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Security Council

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Report of the Secretary-General on the situation in Abkhazia, Georgia

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1462 (2003) of 30 January 2003, by which the Council decided to extend the mandate of the United Nations Observer Mission in Georgia (UNOMIG) until 31 July 2003 and requested me to report three months from the date of the adoption of the resolution. It provides an update of the situation in Abkhazia, Georgia, since my report of 13 January 2003 (S/2003/39).

2. My Special Representative for Georgia, Heidi Tagliavini, continued to head UNOMIG. Major General Kazi Ashfaq Ahmed (Bangladesh) continued to serve as the Chief Military Observer. The strength of UNOMIG as at 31 March 2003 was 117 military observers (see annex).

II. Political process

3. The Mission continued its efforts to overcome the present political impasse with the ultimate aim of initiating negotiations between the Georgian and Abkhaz sides on a comprehensive political settlement on the basis of the paper on the distribution of competences and its transmittal letter (see S/2002/88, para. 3). On 19 and 20 February 2003, at my invitation, senior representatives of the Group of Friends convened in Geneva under the chairmanship of the Under-Secretary-General for Peacekeeping Operations, with the participation of my Special Representative, for an informal brainstorming session on the way ahead in the Georgian-Abkhaz peace process (see S/2003/39, para. 5). The representatives reaffirmed their support for the principles of a political settlement, as contained in the Security Council's resolutions and the paper on competences. They recommended that the Georgian and Abkhaz sides work in parallel on economic issues, the return of internally displaced persons and refugees and political and security issues. To this end, they proposed the establishment of three task forces, in which the parties, representatives of the Group of Friends and external experts could participate under United Nations chairmanship. The Friends decided to assess the progress on each of the issues individually as well as the balance of the progress between them in June 2003. Depending on this evaluation, the Friends agreed to pursue further steps, including the possibility of convening a fourth conference on confidence-building measures

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(after the conferences in Athens in 1998, Istanbul in 1999 and Yalta in 2001). The fourth conference would address all aspects of the peace process, including the substance of the three task forces as well as other projects aimed at rebuilding confidence between the sides.

4. On 3 March, for the first time in approximately four years, the Group of Friends was received, at the ambassadorial level, by the Abkhaz de facto authorities in Sukhumi. In the presence of my Special Representative, they conveyed the recommendations that resulted from the Geneva brainstorming session, presented the position of the international community and listened to the Abkhaz viewpoint. The Abkhaz side raised a number of objections to the recommendations, in particular the inclusion of the political aspect in the third task force. The Abkhaz side continued to refuse to discuss the status issue and rejected the paper on competences as a basis for substantive negotiations as, in its view, the status of Abkhazia has long been determined. To date, however, the Abkhaz side has not formulated its final position on the Geneva recommendations. The Georgian side has taken a cautiously positive stance towards the proposals and has declared its readiness to work towards their implementation. Meanwhile, UNOMIG continued preparatory work for the launching of the task forces once final approval has been received from both sides. At the same time, the mechanism of the United Nations-led Coordinating Council remained suspended, with neither the Council nor its three working groups being able to convene.

5. The period under review was also marked by increased bilateral activity between the Russian Federation and Georgia at the highest level. During the informal summit of the Heads of State of the Commonwealth of Independent States (CIS) in Kyiv on 28 and 29 January 2003, President Vladimir Putin and President Eduard Shevardnadze discussed the re-establishment of the railway link between Sochi and Tbilisi and the return of internally displaced persons and refugees. On 6 and 7 March, during a meeting in Sochi, the two Presidents agreed to create working groups that would address the return of refugees and internally displaced persons initially to the Gali district; the reopening of railway traffic between Sochi and Tbilisi; and energy projects, including the modernization of the hydroelectric power station, Inguri-GES. It was understood that the opening of the railway would proceed in parallel with the return of the refugees and internally displaced persons. Abkhaz de facto Prime Minister Gennadii Gagulia took part in some of the deliberations in Sochi.

6. In February, my Special Representative briefed the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE), the OSCE secretariat and Permanent Council and the European Union institutions, including the Commission, the Parliament and the Council of the European Union. Subsequently, an ad hoc delegation of the European Parliament (24-28 February), the OSCE High Commissioner on National Minorities, Mr. Rolf Ekéus (25-27 March), and Permanent Representatives to OSCE (27 March-1 April) visited Georgia, including Abkhazia, to meet with Georgian government officials and the Abkhaz de facto authorities and to familiarize themselves with the situation in the area. In Sukhumi, Mr. Ekéus raised the issue of language of instruction in schools in the Gali district and discussed the situation of persons belonging to national and ethnic minorities in the region.

7. On 18 March, the Abkhaz de facto Parliament adopted a proposal, addressed to the Council of Federation and the State Duma of the Russian Federation, to establish associated relations between Abkhazia and the Russian Federation (see also S/2001/1008, para. 8). The Georgian authorities objected, stressing that this would be a violation of international legal norms.

III. Operational activities

8. UNOMIG continued to perform its observation tasks, largely unimpeded, carrying out daily ground patrols in the Gali and Zugdidi sectors as well as fortnightly patrols of three of four days conducted jointly with the CIS peacekeeping force in the Kodori Valley. Helicopter patrols remained suspended owing to security concerns; administrative flights have continued on authorized routes over the Black Sea.

Kodori Valley

9. The situation in the Kodori Valley has remained calm. In compliance with the protocol of 2 April 2002 (see S/2002/469, para. 10), seven joint patrols were conducted with the CIS peacekeeping force between January and March 2003. None of the patrols observed changes in the armed presence or activities in the upper Kodori Valley. UNOMIG continued to rely on written security guarantees for safe passage and armed escorts for its patrols from both the Georgian and the Abkhaz sides. The de facto Abkhaz Ministry of Defence declined to give written security guarantees or provide an escort to areas off the main road in the lower Kodori Valley.

10. During a patrol from 11 to 14 February, the upper Kodori Valley Administration proposed a confidence-building meeting with representatives of the Abkhaz de facto authorities. UNOMIG's Chief Military Observer conveyed this proposal to the Abkhaz authorities, who received it positively. UNOMIG is now working to arrange the meeting.

11. During a patrol from 25 to 28 February, a jet aircraft was heard circling over the upper Kodori Valley. Low clouds prevented the identification of its type, nationality and flight path. The incident triggered concerns among local residents over possible bombing raids, as had happened in the past. Further investigations provided no additional information.

12. The Abkhaz de facto authorities have repeated their allegations that the Kodori Valley is being used to harbour a large military force and may become an avenue of approach for Georgian operations into Abkhazia later this year after the spring thaw. They maintained their demand that a CIS peacekeeping force checkpoint be established in the upper Kodori Valley. The Georgian authorities reiterated that the armed presence in the valley is for defensive and border control purposes only and does not represent a threat to the Abkhaz side.

13. To facilitate patrols to the Kodori Valley during harsh winter conditions, protective winter clothing was provided to the team, roads were repaired and arrangements were made to pre-position fuel, food and first aid equipment in the valley.

Gali and Zugdidi sectors

14. During this period, the overall situation in Gali sector has been assessed by UNOMIG's patrols as generally calm, despite a number of incidents in the city of Gali and the lower Gali area. Local Abkhaz law enforcement agencies have increased patrolling in the upper Gali area in an effort to apprehend criminals and combat organized crime, but without significant results to date.

15. The number of incidents, most of them assessed as criminally motivated, increased in the Gali sector during the past three months, with a reported 22 robberies; eight kidnappings, with four hostages released and one murdered; five killings; five explosions; and seven shootings that resulted in eight casualties. An armed group of approximately 15 individuals has committed several armed robberies in the upper Gali area. They are believed to have been responsible for the armed attack on and robbery of a UNOMIG patrol on 24 January 2003, north of Gumurishi. On 14 February, two buses travelling between Zugdidi and Gali were hijacked and subsequently robbed 50 metres from the Gali militia headquarters. On the same day, an Abkhaz militia officer was shot dead in the town of Gali as he tried to prevent a robbery. During the night of 22 to 23 February, 10 armed and masked men wearing military uniforms abducted a male relative of the Georgian Deputy Chairman of Parliament. He was subsequently executed on the outskirts of Gali. On 25 February, at the village of Tagiloni, a remote controlled anti-personnel mine damaged a minibus transporting staff from the Inguri hydroelectric power station; there were no reported casualties. The intended target of the attack is believed to have been a vehicle belonging to a local law enforcement agency, which was directly behind the minibus. On 16 March, there was an attack on a tractor in the village of Zemo Bargebi, killing the driver and injuring a passenger.

16. The security assessment mission conducted in the Gali and Zugdidi sectors between October and December 2002 (see S/2003/39, para. 13) has finalized its report and submitted to my Special Representative a set of recommendations to assist the law enforcement agencies in the Gali and Zugdidi districts to perform their duties more professionally and effectively. These include provision of training and equipment, strengthening human rights activities, increased recruitment of local residents into law enforcement structures, improving cooperation between the law enforcement agencies on both sides of the ceasefire line and economic rehabilitation. In the view of the assessment mission, the recommendations should be implemented under UNOMIG monitoring and should strengthen the Mission's capacity to carry out its mandate. My Special Representative will proceed with consultations to obtain the consent of all sides for the implementation of the recommendations.

17. The overall situation in the Zugdidi sector has been assessed by UNOMIG patrols as generally calm. A relatively low level of criminal activity has continued, with three killings, three shooting incidents, two explosions, two abductions, two robberies and several car thefts reported by the local authorities. On 2 February, while recovering a stolen vehicle abandoned in the Inguri River, the Deputy Head of the Zugdidi Criminal Investigation Department was shot and killed near Shamgona by gunfire originating from the Abkhaz side of the ceasefire line. On 7 March 2003, a UNOMIG civilian interpreter was kidnapped after leaving Zugdidi sector headquarters. Her abductors held her for seven hours, during which time she was beaten and her apartment ransacked and robbed.

18. Several peaceful demonstrations and blockades occurred in protest of prevailing living conditions, notably the intermittent or non-existent electricity supply. Attempts by the local authorities to improve the situation were largely ineffective. On 18 January, a UNOMIG patrol was stopped near Darcheli for one hour and forty minutes in protest over the lack of road repairs. In February and March, UNOMIG vehicles were blockaded along the main road between Sukhumi and Tbilisi in order to draw the attention of local authorities to the power issue. On 3 March, a UNOMIG patrol was detained in the village of Lia for more than five hours, again by civilians protesting the lack of electricity. The Chief Military Observer met with village mayors from the area and conveyed to them that blocking UNOMIG's patrols would not resolve their problems with the local administration. The blockade of the Inguri River bridge by internally displaced persons ended on 18 February. During the last four days of the protest, three explosive devices were found. One of the devices was defused by the CIS peacekeeping force; the other two exploded but caused no injuries. On 15 February, effigies of a CIS peacekeeping force soldier and a United Nations Military Observer were burned at an otherwise peaceful demonstration in Zugdidi town.

19. The quadripartite joint fact-finding group continued to investigate violent incidents, with all parties regularly attending scheduled weekly meetings and responding promptly to incidents. However, lack of continuity of evidence, poor handling of evidence and slow completion of investigations continued to be problems. Since the last report, five new case files have been opened, including the case of the ambush near the village of Shamgona, which resulted in the killing of the Deputy Head of the Zugdidi Criminal Investigation Department (see para. 17 above). Eight cases are currently under investigation.

IV. Cooperation with the collective peacekeeping forces of the Commonwealth of Independent States

20. UNOMIG and the CIS peacekeeping force have continued to work together closely, notably during joint patrols to the Kodori Valley. Regular staff meetings at the working level complemented the frequent meetings and discussions between the Chief Military Observer and the Commander of the CIS peacekeeping force, as well as weekly quadripartite meetings. On 6 and 7 March, in Sochi, the President of the Russian Federation and the President of Georgia agreed that the CIS peacekeeping force could stay in the zone of conflict until consent is withdrawn by one of the sides. This decision is now pending before the relevant bodies of CIS; meanwhile, the force continued its regular activities.

21. According to information received from the CIS peacekeeping force, on 23 January, an armoured vehicle of the force was shot at while negotiating a bypass route around the blockade at the Inguri Bridge; on 12 February, a CIS checkpoint was fired at, although no casualties were reported; and on the same day, two Molotov cocktails were thrown at vehicles of the CIS peacekeeping force.

V. Humanitarian situation and human rights

22. International agencies and non-governmental organizations (NGOs) continued their activities directed at alleviating acute food and medical needs and restoring

basic facilities. International NGOs continued to be hampered by restrictions on border crossings between Abkhazia, Georgia and the Russian Federation at the Psou River (see S/2001/401, para. 28), and the level of criminality in the zone of conflict has negatively affected humanitarian relief efforts. On 11 March, a gang of four or five men shot at a truck of the Office of the United Nations High Commissioner for Refugees (UNHCR) south of the village of Zemo Bargebi in the Gali district. There were no casualties and the motive has yet to be established.

23. UNHCR, in cooperation with local authorities and beneficiary communities, continued to focus on the rehabilitation of community educational infrastructures. In 2002, 49 schools were renovated, nine of which in the Gali district. Two of the schools in Gali had been used as barracks for several years before UNHCR's efforts returned them to their original purpose. Assistance is being provided to 270 internally displaced persons in Sukhumi in the form of food and non-food items, as well as the delivery of health and social services.

24. The European Community Humanitarian Office (ECHO) recently renewed its assistance to areas on both sides of the ceasefire line. The ECHO-funded NGO, Acción contra el Hambre, has recommenced agricultural projects aimed at improving the food security of vulnerable populations on both sides of the ceasefire line. The HALO Trust, the area's single largest employer of local residents, remained the only organization working on the Abkhaz side of the ceasefire line clearing mines and providing mine-awareness training. The Swiss-funded NGO, Première Urgence, runs a project designed to improve the living conditions of destitute families by rehabilitating their living space.

25. Since my last report, the human rights situation in Abkhazia, Georgia, has not improved. Basic human rights continue to be infringed upon and the de facto law enforcement agencies lack the capacity to curb criminality, settlement, including kidnappings and murders, and effectively protect its residents. The United Nations Human Rights Office in Abkhazia, Georgia, continued to monitor pre-trial detention facilities, provide advisory services to the local population and carry out small projects in the field to promote international human rights standards. The office was actively involved in efforts to release the four persons detained during the search-and-arrest operation by the Abknaz militia between 25 and 27 December 2002 (see S/2003/39, paras. 12 and 24). All four were released in the second half of January 2003.

VI. Support issues

26. UNOMIG administration continued to provide the logistical support necessary for the fulfilment of the Mission's mandate. The transfer of assets from the United Nations Mission of Support in East Timor (UNMISET), the United Nations Interim Administration Mission in Kosovo (UNMIK), and the United Nations Mission in Bosnia and Herzegovina (UNMIBH) enhanced the operational capacity of the Mission. In light of the suspension of helicopter patrolling, UNOMIG has postponed the positioning of a third helicopter (approved in the 2002-2003 budget) until a decision on the resumption of helicopter patrolling is taken.

VII. Observations

27. Despite the continued lack of progress on the core political issue of the conflict settlement, the future status of Abkhazia within the State of Georgia, new proposals by the Group of Friends as well as bilateral agreements between President Putin and President Shevardnadze have given fresh momentum to the efforts to reactivate the peace process. UNOMIG remains ready to support any initiative that seeks to bring the parties closer to a comprehensive settlement. At the same time, it continues to encourage the sides to accept the recommendations that resulted from the Geneva brainstorming session, that is, to work in parallel on all identified issues, including the political and security aspects. I would like to remind the parties, in particular the Abkhaz side, that the status question cuts across every aspect of a final peaceful settlement. Without its satisfactory resolution, a sustainable settlement is likely to remain elusive.

28. Facilitating the return of internally displaced persons and refugees to their homes in safe and secure conditions remains a core aspiration of the United Nations, even though no additional progress has been made in the implementation of the 1994 quadripartite agreement on voluntary return of refugees and displaced persons (S/1994/397, annex II). The recent agreement between the Georgian and Russian sides (see para. 5 above) to proceed with the re-establishment of the railway in parallel with the repatriation of refugees and internally displaced persons should open the door to progress on this issue. The United Nations remains committed to the creation of conditions conducive to return, in accordance with UNOMIG's mandate and the recommendations of the Joint Assessment Mission to the Gali district of November 2000. Implementation of the measures proposed by the security assessment mission, aimed at creating a safer environment in the area, will also be an important factor in facilitating the process of the return of refugees and internally displaced persons.

29. Recent security incidents involving UNOMIG personnel suggest the need for increased vigilance and prompt me once again to remind all concerned of their responsibilities for both the safety and the freedom of movement of United Nations personnel. The United Nations calls on all parties to bring to justice the perpetrators of criminal acts committed against United Nations personnel on both sides of the ceasefire line, including those responsible for the shooting down of a UNOMIG helicopter in October 2001.

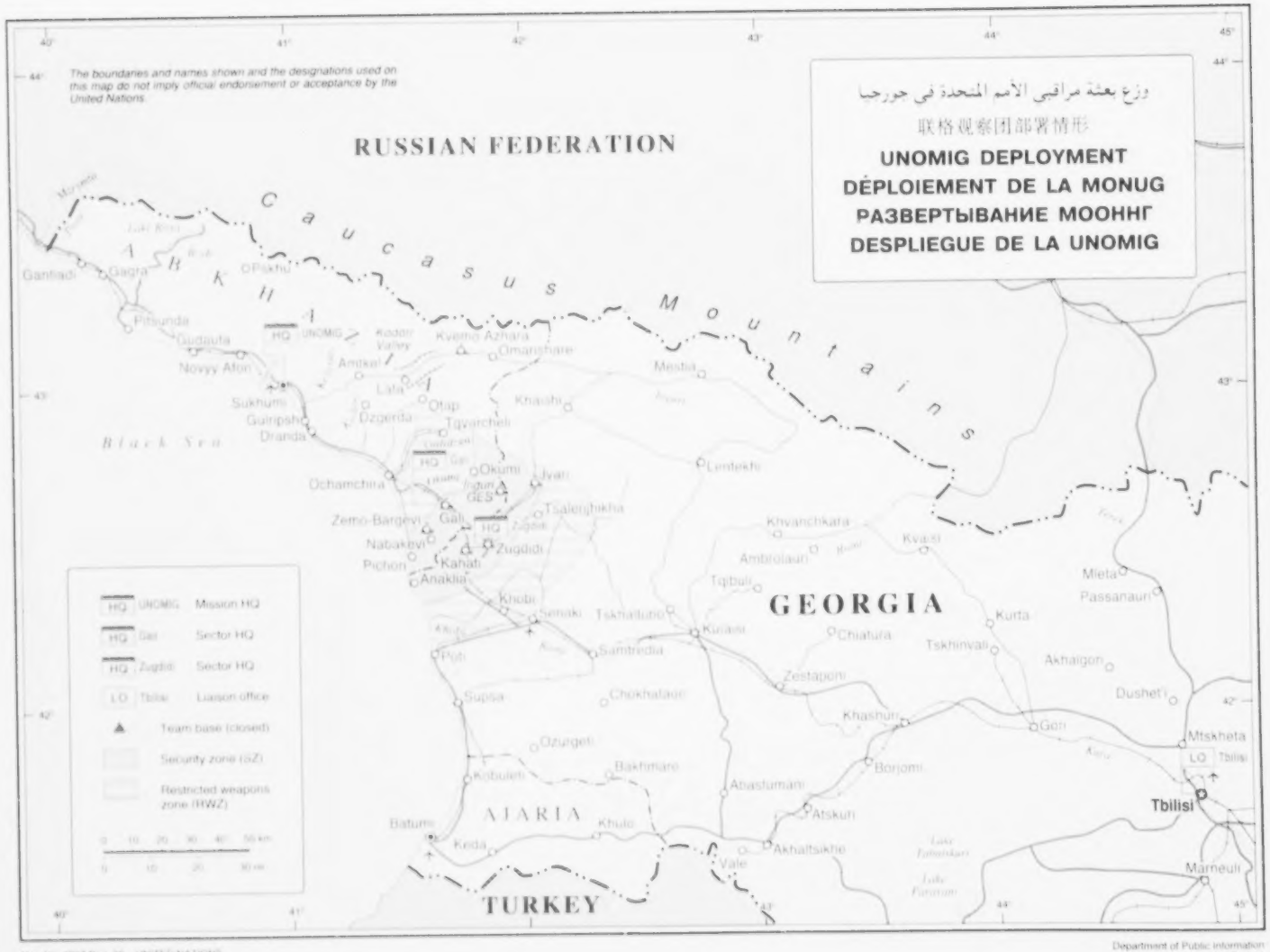
30. Finally, I wish to express my appreciation to my Special Representative, Heidi Tagliavini; her Deputy, Roza Otunbayeva; and the Chief Military Observer, Major General Ashfaq; as well as the women and men of UNOMIG for their untiring efforts to support the peace process, despite the challenging circumstances prevailing in the Mission area.

Annex

Countries providing military observers (as at 31 March 2003)

Country	*Military observers*
Albania	3
Austria	2
Bangladesh	9*
Czech Republic	5
Denmark	6
Egypt	3
France	3
Germany	11
Greece	5
Hungary	7
Indonesia	4
Jordan	7
Pakistan	9
Poland	4
Republic of Korea	7
Russian Federation	3
Sweden	3
Switzerland	4
Turkey	5
Ukraine	5
United Kingdom of Great Britain and Northern Ireland	7
United States of America	2
Uruguay	3
Total	**117**

* Chief Military Observer and aide-de-camp (Bangladesh) are included.



Map No. 3837 Rev. 36 UNITED NATIONS
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Letter dated 8 April 2003 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

On instructions of my Government, I have the honour to transmit to you herewith a statement issued on 3 April 2003 by the Government of the Republic of Uganda on Security Council resolution 1468 (2003) (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Prof. **Semakula Kiwanuka**, Ph.D
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Uganda to the United Nations

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Annex to the letter dated 8 April 2003 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

Statement issued on 3 April 2003 by the Republic of Uganda on Security Council resolution 1468 (2003)

Uganda welcomes Security Council resolution 1468 (2003) adopted on 20 March 2003. Therefore, in this statement, Uganda hails the position of the Security Council on pertinent issues and reflects on some matters of concern raised in the resolution.

Inter-Congolese dialogue

Uganda joins the Security Council, and the international community in general, in welcoming the agreement reached by the Congolese parties in Pretoria on 6 March 2003 on the transitional arrangements for a permanent political dispensation in the Congo.

Uganda further welcomes the resolve by the Congolese parties when they finalized outstanding matters and signed the Final Act on 2 April 2003 in Sun City, Republic of South Africa. Also most significant was the Global and Inclusive Agreement signed in Pretoria on 17 December 2002, together with the Additional Memorandum on the Army and Security signed in Pretoria on 6 March 2003, and the Constitution of the Transition adopted at Sun City on 1 April 2003. All the tireless efforts exerted, especially those by the facilitator of the Dialogue and the Republic of South Africa, are hailed. Uganda encourages the Congolese parties to stay the course and implement the Agreement they have reached without let or hindrance.

The situation in Ituri

Uganda shares the concern of the Security Council on the situation in Ituri Province. The situation in Ituri is characterized by inter-tribal and factional clashes, detrimental to the lives and security of the population in the area. It is indeed because of this consideration that Uganda deemed a vacuum would be created and the situation further aggravated if Ugandan troops were withdrawn without alternative arrangements.

It is therefore gratifying that the United Nations, which acknowledges the above position, has through the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) been playing a positive role in efforts to seek alternative security arrangements for Ituri.

The Luanda Agreement and the significance of the Ituri Pacification Committee (IPC)

The Luanda Agreement of 6 September 2003 between the Democratic Republic of the Congo and Uganda, facilitated by Angola, establishes the basis for a settlement in the Ituri area, as the resolution underscores.

The IPC, under the Luanda Agreement, is to ensure security and the setting up of an interim administration and security arrangement for Ituri and thereby enable the withdrawal of Ugandan troops from the area. The agreement to establish the IPC

was to find a way forward for the good of all the parties concerned, and this was because no other alternative arrangement was forthcoming.

Threats by Rwanda

As the Security Council has stressed that all the parties must cooperate with MONUC to set up the IPC without further delay and take the necessary steps to restore public order in Bunia, Uganda is concerned at threats posed by Rwanda and its proxy, the Union des Patriotes Congolais (UPC). The IPC could not take off as anticipated in the Luanda Agreement because of the intransigence of UPC prompted and supported by Rwanda. Indeed, a note of concern should be taken in view of Rwanda's response dated 24 March 2003 to Security Council resolution 1468 (2003), challenging the Luanda Agreement and, in particular, what it called the IPC concept.

Uganda is also gravely concerned at the new dimension to the situation in Ituri. Uganda has evidence that the plan by Rwanda and its proxy UPC, which led to the attacks on Uganda People's Defence Forces (UPDF) positions on 6 March 2003, included simultaneous launching of a Ugandan rebel group called the People's Redemption Army (PRA). Indeed, 22 PRA dissidents were captured and they confessed that they were supported by Rwanda.

Measures to facilitate humanitarian assistance and the IPC

The resolution demands that all the parties, and in particular in Ituri, ensure the security of civilian populations and grant to MONUC and to humanitarian organizations full and unimpeded access to the populations in need. It also stresses that all parties must cooperate with MONUC to set up, without further delay, the IPC and that the necessary steps must be taken to restore public order in Bunia, in accordance with the agreements reached among Congolese parties and within the framework of the IPC.

Following the attacks of 6 March 2003 and the associated threats, the UPDF decided to deploy adequate forces to stabilize the whole of Bunia town and its environs. It secured roads to Bunia to ensure supply of food and humanitarian assistance to the population. It also ensured a secure environment in which the process to put the IPC in place could begin, in accordance with the Luanda Agreement. Having achieved these objectives, UPDF military operations have stopped.

The intervention has enabled corridors for humanitarian assistance to be established. It has also enabled the process of establishing the IPC to start. An agreement for a ceasefire in Ituri Province was signed on 18 March 2003 in Bunia. Only UPC did not sign. The signing of the ceasefire agreement paved the way for the Preparatory Committee for the IPC to start its work on 19 March 2003. The IPC is now constituted, with seats for UPC, and its first meeting started on 1 April 2003. It was officially inaugurated in Bunia on 4 April 2003. Uganda hopes that the process will not be interrupted, so that the IPC can do its work leading to the withdrawal of UPDF, as the Luanda Agreement stipulates. It is worth noting that throughout this process we have been cooperating with MONUC, which is actively involved in the establishment and facilitation of the IPC. UPDF is not only securing Bunia and its environs but it is also providing security for the IPC.

Increase of MONUC's presence, humanitarian assistance and support to the IPC

Uganda welcomes the Security Council decision that the Secretary-General should increase MONUC's presence in the Ituri area, especially to take charge of the airports. However, MONUC should do more than observe. The United Nations could also take other necessary measures, including setting up a radar station to deter arms air-drops.

Uganda also welcomes the decision that the Secretary-General provide further support and assistance to humanitarian efforts and facilitate the formation of the IPC and assist the work of the Commission. The support will go a long way towards enhancing the ongoing efforts.

Withdrawal of Ugandan troops

The resolution calls upon Uganda to complete withdrawal of all its troops without further delay. Uganda wishes to reiterate its commitment to fully withdraw its troops in Ituri as soon as an alternative security arrangement is put in place to provide security to the population, in accordance with the Luanda Agreement, or any other initiative deemed appropriate by the United Nations is established. Uganda will therefore not stay in Ituri a day more than is required for UPDF to contribute towards a secure environment for the population and the IPC.

As to the Uganda Government's commitment to withdraw by 20 March 2003, this was not met because the IPC had not been established to create an alternative administrative and security arrangement for the area. The parties to the Luanda Agreement, under the facilitation of Angola, have been constantly monitoring the situation, including the calendar, which they have been revising as and when the situation demands. MONUC has also been helpful in the negotiations. Now that the IPC is in place, the best thing to do is to build on the achievements so far and ensure its success. For its part, Uganda will continue playing its part and is ready to withdraw its troops at the earliest opportunity.

Concerns of rising tensions between Rwanda and Uganda

Concerned by the rising tensions between Rwanda and Uganda, Uganda continues to pursue peaceful means for the resolution of differences between the two countries. Under the mediation of Minister Clare Short of Britain, the two countries reached understanding on how to handle issues of difference, including establishing a verification mechanism for dealing with accusations and counter-accusations. The mechanism is observed by the mediator's representatives. However, Rwanda has been defying the agreed procedure, making wild allegations and pronouncements in the press, contrary to the London understanding of October 2001. This has been worrisome, because words have been followed by deeds of war-like actions. There has been movement of troops to the common border and movement of troops to North Kivu in areas vacated in accordance with the Lusaka Agreement. All these actions and the earlier ones referred to in this document leave us under no doubt that Rwanda has sinister motives against Uganda.

Outrageous allegations that Uganda has formed alliance with genocidal forces

The tensions between Rwanda and Uganda referred to in the resolution are the creation of Rwanda. It has been inciting the public against Uganda by linking

Uganda to the perpetrators of genocide. The outrageous allegation that Uganda has formed an alliance with the genocidal forces (Interahamwe/Ex-Forces Armés Rwandaises (Ex-FAR) and Rwandan Liberation Army (ALIR) to attack Rwanda cannot be imagined!! It pains Uganda that we are being associated with the Interahamwe and other perpetrators of genocide. Like Rwanda, one of the reasons we went into Congo was because of these criminals and to ensure a non-recurrence of genocide in the region. At a time when nothing was being done, Uganda stood side by side with Rwanda to castigate genocide, both in words and deed. Therefore, it is ironical and insulting that Rwanda makes such wild and unsubstantiated allegations. We shall never work with Interahamwe. The Rwanda/Uganda Joint Verification and Investigation Committee, under Minister Clare Short's mediation, has gone to all sorts of places and has not found any shred of proof in support of the allegation. Again, Uganda can only interpret this blatant posture by Rwanda as looking for all sorts of excuses to justify its sinister motives against Uganda.

Conclusion

Uganda makes assurances that it has no designs whatsoever to harm Rwanda. However, if attacked, Uganda would exercise its right to defend itself.

On the Democratic Republic of the Congo peace process and regional peace in the Great Lakes Region generally, Uganda remains committed to the return of normalcy in accordance with the Lusaka Agreement, the Luanda Agreement and the relevant resolutions of the Security Council.

Uganda remains committed to withdraw its troops from the Democratic Republic of the Congo as soon as alternative security arrangements are put in place to provide security in Ituri, either through the IPC or any third party the Security Council may deem appropriate.

Ministry of Foreign Affairs

Republic of Uganda

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Fifty-seventh session
Agenda item 36
The situation in the Middle East

Security Council
Fifty-eighth year

Letter dated 8 April 2003 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a statistical breakdown of Israeli violations of Lebanese sovereignty committed during the month of March 2003 (see annex).

The breaches of Lebanon's sovereignty that Israel commits on land, at sea and in the air are in violation of the Blue Line and of the provisions of Security Council resolution 425 (1978), and they pose a threat to stability and promote a climate of tension in the region.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda item 36, and of the Security Council.

(*Signed*) Houssam Asaad **Diab**
Chargé d'affaires a.i.

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Annex to the letter dated 8 April 2003 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General

Statistical breakdown of Israeli violations committed during the month of March 2003

In the air				*At sea*	*On the ground*			*Total*	*Remarks*
					Military attacks	*Field violations*	*Infringements*		
Jet fighters	Reconnaissance aircraft	Helicopters	Total	Violations of territorial waters and launching of flares	Air raids and bombardment of military outposts and important centres	Artillery bombardments, shooting, infiltration and placement of installations inside Lebanese territory	Threats and brandishing of weapons, earthmoving and placement of concertina (barbed) wire inside Lebanese territory		
12	13	2	27	5	-	-	-	32	Total violations in previous month: 29
									Table does not include violations in the occupied Shab`a farmlands and the Kafr Shuba hills area, a zone of military operations

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Letter dated 9 April 2003 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

In the month of March 2003, the Government of Rwanda had the opportunity of bringing before the Security Council its concerns about the deteriorating security situation in the eastern Democratic Republic of the Congo as a result of the wrongful and massive deployment of Ugandan troops in that area.

The Government of Rwanda observed with much consternation the horrendous massacres of innocent populations perpetrated on 3 March 2003 in those areas controlled by the Ugandan forces and their allies.

It should be recalled that this deployment of Ugandan troops was carried out contrary to the provisions of the Lusaka and Pretoria agreements, in connivance with the Government of Kinshasa, whose troops were also deployed in the position formerly held by the Rwandan forces before their total withdrawal from the Congo. This was done in violation of the Kampala and Harare disengagement plans.

The Government of Rwanda also had the opportunity to notify the Security Council about the exacerbating tensions between local communities owing to the factionist policy that Uganda kept on engineering in the eastern Democratic Republic of the Congo.

As a reaction to the Security Council statement to the press of 8 March 2003, the Government of Rwanda would like to express its disapproval of the mandate fo. security stewardship in the eastern Democratic Republic of the Congo given by the Security Council to Uganda only because its forces are deployed on the ground.

Uganda should in fact be requested to assume the responsibility for those massacres committed in the Ituri area and be urged to withdraw from the Democratic Republic of the Congo without any additional delay.

Rwanda reaffirms its rejection of the Ituri Pacification Commission, which is a violation of the Lusaka Agreement and is aimed at enabling Kinshasa to reassert its authority in Ituri, as long as the inter-Congolese dialogue has not been fully implemented. Uganda, being the architect of all the Ituri conflicts, cannot be allowed to define the contours of the workings of the Ituri pacification.

The Government of Rwanda reaffirms its view that a quick deployment of a neutral force in the east of the Democratic Republic of the Congo, especially in all strategic points held by the Ugandan troops and their allies, would be the best option

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the Security Council should consider as a solution to the crisis. MONUC and the Third Party Verification Mechanism should in the meantime be enabled to take control of all airfields and ports in the eastern Democratic Republic of the Congo in order to check resupplying and infiltration forces.

The Government of Rwanda confirms its full cooperation so that the Congolese protagonists overcome the remaining hindrances to the process of putting in place the institutions of transition. Rwanda welcomes all initiatives from the international community in a similar vein, particularly the establishment of security mechanisms for transitional institutions.

I should be grateful if this letter could be circulated as a document of the Security Council.

(*Signed*) Stanislas **Kamanzi**
Ambassador
Permanent Representative

United Nations A/ES-10/224–S/2003/416

General Assembly
Security Council

Distr.: General
9 April 2003

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-eighth year

Identical letters dated 9 April 2003 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Israel, the occupying Power, continues to commit war crimes, State terrorism and systematic human rights violations against the Palestinian people under its occupation. The victims of these crimes have included Palestinian civilians — children, women and men — throughout all areas of the Occupied Palestinian Territory, including East Jerusalem.

In pursuing this vicious military campaign against the Palestinian civilian population, the Israeli occupying forces continue blatantly and unashamedly to commit extrajudicial executions of Palestinians. Late yesterday, 8 April, the occupying forces fired missiles from an F-16 warplane at a car in the Zeitoun neighbourhood of Gaza City, killing seven Palestinians, including two children, 13-year-old Ahmed Khamees Al-Ashram and 16-year-old Sami Hasan Kasem. Israeli officials have asserted that the missile strike targeted for "liquidation" Mr. Sa'ad Aldin Al-Arabeed, who was killed in the attack. Further compounding the criminality of this attack, the Israeli occupying forces returned minutes later to fire missiles from helicopter gunships at a crowd of hundreds of people, including rescue workers, who had gathered around the area of the carnage. That attack wounded at least 50 Palestinian civilians, including women, children and elderly, many of them seriously.

Today, the occupying forces continued to launch attacks in the Gaza Strip, particularly in the area of Beit Hanoun. More than a dozen Israeli tanks, armoured carriers and bulldozers raided Beit Hanoun, where the occupying forces killed three Palestinians, including a 16-year-old boy, Ahmed Rashad Abu Qomsan, and wounded at least seven other people. These killings by the Israeli occupying forces have been preceded by the almost daily killing of Palestinian civilians of all ages, as tragically reflected in the annexed list of martyrs.

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In addition to the State terrorism routinely committed by the occupying Power throughout the Occupied Palestinian Territory, the Palestinian people continue to be constantly subjected to terrorism committed by the illegal colonial settlers. Today, a bomb exploded in a Palestinian high school in the village of Jaba'a in the vicinity of Jenin in which at least 29 students were wounded, four of them critically. An extremist Israeli group claimed responsibility for that bombing.

The above-mentioned killings represent only a fragment of the countless violations and grave breaches of international humanitarian law, in particular the Fourth Geneva Convention of 1949, committed by the Israeli occupying forces against the Palestinian civilian population. The culture of impunity within which Israel, the occupying Power, pursues its illegal and oppressive policies and practices will only ensure that even more crimes and atrocities are committed against the defenceless Palestinian civilian population and will also continue to undermine any efforts towards peace. In this regard, it is obvious that yesterday's extrajudicial execution was committed in part to pre-empt any attempt to revive the peace process and particularly to proceed with the Quartet's road map.

As the situation in the Occupied Palestinian Territory, including East Jerusalem, continues to decline due to Israel's relentless pursuit of this brutal and bloody military campaign against the Palestinian people, we reiterate our belief that the Security Council must act to uphold its responsibilities and take urgent measures to address the gravely dangerous situation.

This letter is in follow-up to our previous 162 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. Those letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 4 April 2003 (A/ES-10/223-S/2003/405), constitute a basic record of the crimes committed by the Israeli occupying forces against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, it is my regret to inform you that, since our last letter to you, the Israeli occupying forces have killed at least 16 Palestinians, including children, raising the total number of martyrs to 2,306 Palestinians. (The names of the martyrs that have been identified thus far are contained in the annex to the present letter.)

I would be grateful if you would arrange to have the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

Annex to the identical letters dated 9 April 2003 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by the Israeli occupying forces in the Occupied Palestinian Territory, including East Jerusalem*

Sunday, 6 April, to Wednesday, 9 April 2003

Sunday, 6 April 2003

1. Ala'a Joudi Al-Natsheh
2. Marwan Abdullah Abu Jiab
3. Yussef Riad Abu Nadi (16 years old)

Monday, 7 April 2003

1. Badr Abdelraouf Yassin
2. Tarik Jouma' Badryeh (17 years old)

Tuesday, 8 April 2003

1. Sa'ad Aldin Al-Arabeed
2. Ashraf Al-Halaby
3. Amar Nasar
4. Mohammed Saber Basal
5. Mahmoud Samir Farawneh
6. Ahmed Khamees Al-Ashram (13 years old)
7. Sami Hasan Kasem (16 years old)
8. Anas Jihad Al-Kahloot (12 years old) (died from wounds sustained two weeks earlier)

Wednesday, 9 April 2003

1. Imad Adnan Al-Hindi
2. Ali Hasan Al-Mashrafi
3. Ahmed Rashad Abu Qomsan (16 years old)

* The total number of Palestinians killed by the Israeli occupying forces since 28 September 2000 is 2,306 martyrs.

United Nations A/57/784–S/2003/417

General Assembly
Security Council

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11 April 2003

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General Assembly
Fifty-seventh session
Agenda item 60
Maintenance of international security — good-neighbourliness, stability and development in South-Eastern Europe

Security Council
Fifty-eighth year

Letter dated 10 April 2003 from the Permanent Representative of Serbia and Montenegro to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the Belgrade Declaration, adopted at the Sixth Meeting of the Heads of State and Government of the South-East Europe Cooperation Process, held in Belgrade on 9 April 2003 (see annex).

I would be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under agenda item 60, and of the Security Council.

(*Signed*) Dejan **Šahović**
Ambassador
Permanent Representative

03-32089 (E) 160403

Annex to the letter dated 10 April 2003 from the Permanent Representative of Serbia and Montenegro to the United Nations addressed to the Secretary-General

THE SIXTH MEETING OF THE HEADS OF STATE AND GOVERNMENT OF THE SOUTH EAST EUROPE COOPERATION PROCESS

BELGRADE DECLARATION

Belgrade, 9 April 2003

1. We, the Heads of State and Government of Participating and Observer Countries of the South East European Cooperation Process, meeting in Belgrade on 9 April 2003, have noted with pleasure that cooperation and consolidation of regional stability have been further promoted since the last Summit held in Tirana in March 2002. We have expressed our satisfaction with the results achieved and we are more than ever ready to make fresh efforts to achieve democratic goals, values and ideals that we subscribe to.

2. We were deeply saddened by the brutal assassination of Serbian Prime Minister dr Zoran Djindjić. We have again condemned in the strongest possible terms the pervasive and corrosive effects of organized crime on peace and stability in South East Europe.

3. We have welcomed the steps taken by the Serbian Government to ensure sustained momentum in the Government's reform programme and pledge our continued support. We have welcomed the accession of Serbia and Montenegro to the Council of Europe.

4. Having exchanged views on the situation in Iraq, we expressed our sincere wish that the conflict end as soon as possible with a minimum loss of life and human suffering. Iraq's sovereignty, political unity and territorial integrity should be preserved, and its territory should be freed from all weapons of mass destruction. We reiterate our commitment to the fundamental role of the United Nations in the international system and to the primary responsibility of the Security Council for the maintenance of international peace and security. We believe that the UN must play a central and substantial role in this crisis, including the humanitarian assistance and the reconstruction of Iraq. The rights of the Iraqi citizens, including those belonging to different ethnic groups can only be assured under a pluralistic democratic political system. The natural resources of Iraq should be the common wealth and property of the Iraqi nation as a whole.We are convinced, now more than ever before, of the need to reinvigorate the Peace Process and lay the foundation for peace and cooperation in the Middle East.

I

5. We have reiterated our commitment to the basic principles and objectives of the Charter on Good-Neighbourly Relations, Stability, Security and Cooperation in South East Europe and all other documents that have been adopted so far within the South East European Cooperation Process. We are firmly determined to maintain peace and stability, to promote good-neighbourly relations, strengthen cooperation and achieve full prosperity of the region. We share common values and a lasting orientation towards democratization, rule of law, respect for human rights and the rights of persons belonging to national and ethnic minorities, free flow of people and goods and the development of a viable market economy, recognizing that these constitute the foundations upon which our societies and states are based.

6. We have reaffirmed, once again, the principles of sovereignty, territorial integrity, inviolability of borders and peaceful settlement of disputes in accordance with international law and expressed our full support for all efforts being made to promote cooperative security in the region. Further strengthening of cooperation and the promotion of stability, human rights, economic development and social cohesion would be our best answer to those who insist on exclusiveness, violence and extremism. We have stressed, once again, the importance of the implementation of the Dayton-Paris Peace Accord and other relevant agreements and United Nations Security Council resolutions, in particular resolutions 1244 and 1345, which are vital for further stability in the region. We have pledged our commitment to full cooperation with the International Criminal Tribunal for the Former Yugoslavia including the bringing of all war crime indictees to justice. Recalling the full engagement of the European Union in our region, we have also welcomed the recent launching of the European Union Police Mission and Operation "Concordia". We believe that the time has come for our region to be recognized as a region of tolerance, reconciliation and openness. In this context, the South East European Cooperation Process can and should be the promoter of these ideas.

7. We have reaffirmed our strong commitment to combating terrorism in all its forms, which threatens stability and security of our region, our states and the lives of our citizens. Full attention must continue to be paid to determining the roots of this scourge so as to eradicate it. This should be done in a way that would respect human rights and principles of international law, as well as through strengthening cooperation at national, regional and international level.

II

8. The region of South East Europe is gradually becoming a better place, where priorities are consistent with the European standards and reflect a common aspiration to join the European and Euro-Atlantic structures, as well as our determination to assume regional ownership. We have also reiterated our commitment to pursue further democratic and economic reforms and to tackle the main challenges: combat organized crime, trafficking of all kinds and corruption, strengthen institutional capacity, undertake reform of the judiciary, perform structural reforms and alleviate unemployment.

9. We have initiated important activities in the implementation of the priorities that we have set, thus contributing to the transformation and promotion of our regional initiative. The South East European Cooperation Process is the best reflection and expression of the common aspirations and solidarity of all the participating countries of the region aimed at achieving a clear perspective for our integration into the ongoing European processes. Our aim is that all countries of the region become members of the EU in due time and thus take full part in the shaping of the future of Europe. Progress on this road will, first and foremost, be the result of our own efforts and performances.

10. The enlargement of the EU and NATO with new members strengthens our European aspirations. In this respect, we have welcomed the decisions of the EU Copenhagen Summit and the NATO Prague Summit, which have opened new and clear perspectives to some of the participating states of the South East Europe Cooperation Process towards their full integration into the EU and NATO. We consider that this year will be crucial for a further development of the EU. The Convention on the future of the European Union and the signing of the Accession Treaty with the candidate countries would make it possible for the EU to be further strengthened. In this context, we expect progress also on the road to Europe of the candidate countries of South East Europe, as well as concrete steps for enriching the EU policy towards the Stabilization and Association Process countries with experience from the enlargement process. In that regard, we expect all countries of the region to be associated to the ongoing debate on the future of Europe.

11. We have welcomed the continued strong commitment by the European Union to our region, in particular as expressed by the Brussels March 2003 European Council. We have strongly supported the priorities of the current EU Presidency for the Western Balkans. Aware of our present priorities and with a view to fully joining the current European processes, we expect the upcoming EU Summit to be held in Thessaloniki in June this year to provide inter alia a further impetus to the strengthening of the Stabilization and Association Process, including through increased financial support. This will render the European prospect more visible and credible to the peoples of the region. For their part, these countries will reaffirm their commitment to reforms and to regional cooperation at the EU Thessaloniki Summit.

III

12. We are satisfied with the results achieved in the course of the past year, within the framework of the commonly defined priorities. The meetings of Ministers of Trade, Telecommunications, Energy and Home Affairs proved to be useful for all participating states. For the purpose of promoting existing and developing new areas of cooperation we believe that their outcome needs to be followed up with:

- Combating terrorism and organized crime on a regional level;
- Developing the network of bilateral Free Trade Agreements, with a view of creating a free trade area in South East Europe;
- Establishment of a regional electricity market, with a view to expanding it with other sources of energy (gas, oil);
- Development and integration of telecommunications by implementing SEE Agenda;
- Development and integration of transportation infrastructure systems;
- Modernization of border control and liberalization and harmonization of visa regimes respecting EU commitments of the participating states;

13. These are specific goals that we should aspire to and that will ensure our faster alignment with the European standards and conditions, with the aim of integrating into the European structures. Activities related to concrete concerns in other areas of mutual interest should also be encouraged. To this end, we have expressed our readiness to put additional efforts: into removing all obstacles standing in the way of a speedy, safe and sustainable return of refugees and internally displaced persons to their homes; protecting religious and cultural sites; review of the history text books; development of Euro-regions and other forms of cross-border cooperation; prevention of conflicts and early warning.

14. We have emphasized our firm belief that the strengthening of regional cooperation in South East Europe is essential. We have welcomed further enhancement of the South East Europe Cooperation Process, including reactivation of the Troika, work of the Committee of Political Directors on a regular basis and the strengthening of the Parliamentarian dimension of the Process. In particular, we shall encourage more frequent contacts among the members of the Parliaments of the participating states. We have also welcomed the work of the Informal Consultative Committee, as an important channel of regional consultations between our Process, the European Union and the Stability Pact for South Eastern Europe. We have, therefore, expressed our determination not only to go ahead with the activities already undertaken, promoting the South East European Cooperation Process as a whole, but also to continue substantial efforts to improve working methods of the Process.

15. We have welcomed the Progress Report of the Committee of Political Directors on the enhancement of the South East European Cooperation Process and expressed our satisfaction with their past overall activities. We have noted that several proposals submitted by the participating states enrich even more our activities and tasked the Chairman-in-Office and the Committee of Political Directors to examine them with a view to submitting a Progress Report on the next Ministerial Meeting of the South East European Cooperation Process.

16. We were particularly pleased that cooperation has been established among various regional initiatives in South East Europe. We believe that further advancement of this cooperation and effective exchange of information and experiences would avoid overlapping and to create a synergy in the fulfillment of joint activities and projects in the region. We welcome the creation of the Business Advisory Council of South East Europe in Skopje on 10 December 2002 and its intention to work closely with the South East European Cooperation Process, enhancing regional cooperation, regional ownership and sustainable development. Accordingly, we invite Business Advisory Council of South East Europe to submit concrete proposals to the South East European Cooperation Process.

17. We have taken note with appreciation of the Report of the Chairman-in-Office on the activities of the South East European Cooperation Process in the period from April 2002 through April 2003. We have agreed that this practice should be continued.

18. We have expressed our gratitude to the current Chairman-in-Office for the progress made by our Process during its Presidency and the excellent organization of this Summit.

IV

19. The Summit was attended by the following Heads of State or Government and Delegation of the countries of South East European Cooperation Process, H.E. Mr. Alfred Moisiu; H.E. Mr. Dragan Čović; H.E. Mr. Georgi Parvanov; H.E. Mr. Costas Simitis; H.E. Mr. Boris Trajkovski; H.E. Mr. Nicolae Vacaroiu; H.E. Mr. Recep Tayyip Erdogan; and H.E. Mr. Svetozar Marović. H.E. Mr. Stjepan Mesić attended the Summit as an observer.

20. The Summit was attended by the following Ministers of Foreign Affairs: H.E. Mr. Ilir Meta; H.E. Mr. Mladen Ivanić; H.E. Mr. Solomon Passy; H.E. Mr. George Papandreou; H.E. Ms. Ilinka Mitreva; H.E. Mr. Mircea Geoana; H.E. Mr. Abdullah Gul and H.E. Mr. Goran Svilanović. Deputy Foreign Minister H.E. Mr. Ivan Šimonović also attended the Summit as an observer.

21. H.E. Mr. Romano Prodi, President of the European Commission; H.E. Mr. Jan Kubis, Secretary General of the Organization for Security and Cooperation in Europe; H.E. Mr. Guenther Altenburg, Assistant of the Secretary General of North Atlantic Treaty Organization; H.E. Mr. Erhard Busek, Special Co-ordinator of the Stability Pact for South Eastern Europe; H.E. Mr. Charles Brayshaw, Principal Deputy of the Special Representative of the United Nations Secretary General; H.E. Mr. Klaus Schumann Director General in the Council of Europe; attended the Summit as guests.

22. H.E. Mr. Vladimir Voronin, President, attended the Summit as a special invitee of the Chairman-in-Office. We have taken note of the his country's application to become a participating state of the SEECP and we tasked the Committee of Political Directors to examine this application, in accordance with Charter on Good-Neighbourly Relations, Stability, Security and Cooperation in South Eastern Europe and submit a report about it by the Summit Meeting in Sarajevo, at the latest.

23. We decided that during 2004/2005 the new Chairman-in-Office will be H.E. Mircea Geoana, Minister of Foreign Affairs.

24. We have decided that the next meeting of the Heads of State and Government will be held in Sarajevo in 2004.

United Nations S/2003/418

Security Council

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14 April 2003

Original: English

Bulgaria, France, Germany, Spain, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Reaffirming all its resolutions on Cyprus, in particular resolution 1250 (1999) of 29 June 1999 aimed at achieving agreement on a comprehensive Cyprus settlement,

Reiterating its strong interest in achieving an overall political settlement on Cyprus which takes full consideration of relevant Security Council resolutions and treaties,

Welcoming the report of the Secretary-General of 1 April 2003 (S/2003/398) on his mission of good offices in Cyprus,

1. *Commends* the extraordinary effort made by the Secretary-General and his Special Adviser and his team since 1999 in pursuance of his Good Offices mission and within the framework of Security Council resolution 1250 (1999);

2. *Further commends* the Secretary-General for taking the initiative to present to the parties a comprehensive settlement plan aimed at bridging the gaps between them, drawing upon the talks that began in December 1999 under United Nations auspices and, following negotiations, to revise that plan on 10 December 2002 and 26 February 2003;

3. *Regrets* that, as described in the Secretary-General's report, due to the negative approach of the Turkish Cypriot leader, culminating in the position taken at the 10-11 March 2003 meeting in The Hague, it was not possible to reach agreement to put the plan to simultaneous referenda as suggested by the Secretary-General, and thus that the Turkish Cypriots and the Greek Cypriots have been denied the opportunity to decide for themselves on a plan that would have permitted the reunification of Cyprus and as a consequence it will not be possible to achieve a comprehensive settlement before 16 April 2003;

4. *Gives its full support* to the Secretary-General's carefully balanced plan of 26 February 2003 as a unique basis for further negotiations, and calls on all concerned to negotiate within the framework of the Secretary-General's Good Offices, using the plan to reach a comprehensive settlement as set forth in paragraphs 144-151 of the Secretary-General's report;

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5. *Stresses* its full support for the Secretary-General's mission of Good Offices as entrusted to him in resolution 1250 (1999) and asks the Secretary-General to continue to make available his Good Offices for Cyprus as outlined in his report;

6. *Decides* to remain actively seized of the matter.

United Nations S/2003/419

Security Council

Distr.: General
11 April 2003

Original: English

Eleventh report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999)

I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1284 (1999), in which the Council requested me to report every four months on the compliance by Iraq with its obligations regarding the repatriation or return of all Kuwaiti and third-country nationals or their remains. The present report provides a brief account of the relevant developments since my last report (S/2002/1349).

II. Background

2. On 11 December 2002, the First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, sent a message to the Secretary-General of the Gulf Cooperation Council, Abdel Rahmen Al-Atiah, in which it was noted that there had been no cooperation by Iraq on the subject of the repatriation or return of all Kuwaiti and third-country nationals or their remains.

3. On 15 December, the Kuwaiti Council of Ministers, under the chairmanship of the Crown Prince and Prime Minister, Sheikh Saad Al-Abdullah Al-Salem Al-Sabah, urged the international community to ensure full Iraqi implementation of relevant Security Council resolutions, including the release of the Kuwaiti prisoners of war. He also stressed that an apology by Iraq must include a disclosure of the fate of the missing Kuwaiti nationals.

4. On 18 December, the High-level Coordinator briefed the Security Council on my tenth report pursuant to paragraph 14 of resolution 1284 (1999) (S/2002/1349). In his briefing, Ambassador Yuli Vorontsov noted that while no tangible progress had been made, there were some promising signs. He emphasized that the Minister for Foreign Affairs of Iraq, Naji Sabri, had invited him to visit Baghdad to discuss issues relevant to the mandate under resolution 1284 (1999). This, he said, constituted positive steps on the question of the repatriation or return of all Kuwaiti and third-country nationals or their remains.

5. The members of the Security Council welcomed the signs demonstrated by Iraq. They emphasized, however, that little substantive progress had been made on the issue of repatriation or return of all Kuwaiti and third-country nationals or their remains. The United States of America was particularly concerned about the lack of progress in the case of Captain Michael Speicher and requested the Coordinator to continue to pursue the case in contacts with the Iraqi authorities. Many members of

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the Council expressed hope that the forthcoming visit of Ambassador Vorontsov to Baghdad would lead to substantive results.

6. In a subsequent statement to the press, the President of the Security Council said that the Council expressed deep concern over the continuing plight of the Kuwaiti and third-country nationals still remaining in Iraq. The statement also expressed a strong desire for concrete and substantive progress on the matter and conveyed the hope that the question would continue to be dealt with as a strictly humanitarian one. The importance of the work of the International Committee of the Red Cross (ICRC) and the Tripartite Commission was also stressed, and members took note of the recent Iraqi agreement to resume participation in the Technical Subcommittee.

7. On 25 December, the Deputy Chairman of the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs, Ibrahim Majed Al-Shaheen, welcomed the decision of the Government of Iraq to participate in the meetings of the Technical Subcommittee at Amman. Speaking to the press after a meeting with the Secretary-General of the League of Arab States (LAS), Amre Moussa, Mr. Al-Shaheen emphasized that the humanitarian issue of missing persons should remain separate from politics.

8. Speaking at a press conference on 30 December, Mr. Moussa stated that progress on the file of Kuwaiti prisoners of war might be achieved in 2003. He referred, in particular, to the Coordinator's forthcoming visit to Iraq.

9. In an interview on 28 January 2003, the Minister for Foreign Affairs of Iraq expressed his belief that an understanding could be reached between Iraq and Kuwait on the issue of the missing persons once attempts to politicize the issue stop. He reiterated the desire of the Government of Iraq to see the return of what he claimed were thousands of Iraqi missing, and expressed the view that the recent meetings of the Technical Subcommittee had shown encouraging signs.

10. On 4 February, the Kuwaiti Ambassador to Egypt and delegate to the League of Arab States, Ahmed Khaled Al-Kulaib, officially informed the League that Iraq had retracted its pledge, made during the Beirut summit of LAS, to cooperate on the issue of the Kuwaiti prisoners of war and missing persons. Ambassador Al-Kulaib expressed regret that Iraq had not provided any information or cooperation during the first two rounds of the Technical Subcommittee's meetings.

11. During the open debate of the Security Council on Iraq, on 18 and 19 February, numerous representatives (Argentina, Bahrain, Gambia, India, Jordan, Kuwait, Lebanon, Malaysia, Qatar, Saudi Arabia, Sudan, United Arab Emirates, Yemen, League of Arab States) spoke, inter alia, on the issue of repatriation or return of all Kuwaiti and third-country nationals or their remains (see S/PV.4709 and Resumption 1). The representative of Kuwait stated that no progress had been made with respect to the Kuwaiti and other prisoners and missing persons. He also said that the visit of the Coordinator to Iraq had not produced tangible progress either. Other speakers urged Iraq to cooperate on the issue in accordance with the relevant Security Council resolutions. The representative of Yemen noted that "this is a humanitarian question that continues to act as a stumbling block on the road to a rapprochement between the two countries. The representative of India welcomed the positive steps taken by Iraq, noting in particular the beginning of discussions under the auspices of ICRC and within the context of the Tripartite Commission.

12. The heads of State or Government of the Movement of Non-Aligned Countries met in Kuala Lumpur on 24 and 25 February. In their final document, the members of the Movement said they were encouraged by the resumption of the Tripartite Technical Subcommittee and expressed their strong desire for concrete and substantive progress on this matter (A/57/759-S/2003/332, annex I, para. 189).

13. In the resolution adopted at the fifteenth Arab Summit, held at Sharm al-Sheikh, Egypt, on 1 March, the League of Arab States urged the continuation of the meetings of the Technical Subcommittee, and commended Kuwait's response to the information provided by Iraq. The League also expressed its wish to see tangible progress (see S/2003/254).

14. The question of the Kuwaiti missing persons was addressed on 3 March during the thirteenth joint ministerial meeting of the Gulf Cooperation Council and the European Union in Doha, at which a final statement was issued expressing concern at the continuing uncertainty over Kuwaiti and other countries' missing persons and prisoners of war. Iraq was called upon to meet its clear obligation under the relevant Security Council resolutions, including resolution 1284 (1999), to resume cooperation with the Tripartite Commission and ICRC.

III. Recent activities

15. On 11 December 2002, the Permanent Representative of Iraq to the United Nations, Mohammed A. Aldouri, informed the Coordinator in a letter that the Minister for Foreign Affairs of Iraq would welcome his visit to Baghdad.

16. On 18 December, I met with the Coordinator to exchange views on how to proceed with the implementation of his mandate in the light of the invitation to visit Iraq. On the same day, I met with the Permanent Representative of Iraq and called upon him to cooperate fully with the Coordinator during the latter's visit of Baghdad.

17. On the same day, an Iraqi delegation participated on the sidelines of the Tripartite Commission's meeting at Geneva. This was the first time Iraq had participated in such a meeting since it decided to boycott the Commission in 1998. Members of the Tripartite Commission agreed to extend the mandate of the Technical Subcommittee until the next meeting of the Commission. They also endorsed the proposal to suspend the quorum rule of the Technical Subcommittee for a period of four months. This would allow meetings between Iraq and any other members (in the presence of a third member of the Commission, mutually agreed between Iraq and the other party) with the purpose of addressing cases previously discussed in the Commission. The Republic of Iraq, the State of Kuwait and the Kingdom of Saudi Arabia agreed to meet with the ICRC delegation in Amman on 8 January. This agreement did not preclude other members from meeting with Iraq under similar provisions.

18. In an interview with the Kuwait News Agency (KUNA), the Deputy-Chairman of the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs described the agreement as a very important step. As reported by Agence France-Presse (AFP), the Under-secretary of the Foreign Ministry of Kuwait, Khaled Al-Jarallah, expressed hope that Iraq would cooperate positively with the new mechanism.

19. The spokesman for the Iraqi Foreign Ministry stated that the agreement to resume talks was spelled out in the minutes of the meeting held under the auspices of ICRC. The ICRC spokeswoman, Nada Doumani, stated that ICRC expected that the process would achieve concrete results and thus ease the anguish of families who had waited too long to find out what had happened to their relatives.

20. On 19 December, the Coordinator held separate meetings with the Chargé d'affaires of Kuwait and Iraq to discuss his forthcoming visit to the region, during which he was also planning to be present on the sidelines of the first meeting of the Technical Subcommittee in Amman.

21. On 20 December, a letter was sent to the Minister for Foreign Affairs of Iraq, in which the Coordinator accepted an invitation to visit Baghdad to discuss, inter alia, the question of repatriation or return of all Kuwaiti and third-country nationals or their remains. Ambassador Vorontsov noted that while "the question of missing Iraqi nationals is not part of my mandate under Security Council resolution 1284 (1999), I would be prepared, as I have been in the past, to listen to your concerns regarding this matter as well".

22. On 24 December, the Coordinator met with the First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait to discuss the forthcoming talks on the repatriation or return of all Kuwaiti and third-country nationals or their remains. During that meeting and again on 29 January 2003, the Permanent Representative of Kuwait, Mohammad A. Abulhasan, reiterated, on the question of the Iraqi missing persons, that it was not in the mandate of paragraph 14 of resolution 1284 (1999).

23. On 30 December, the Coordinator met with the Deputy Permanent Representative of the United States, James Cunningham, and other United States officials. Ambassador Cunningham expressed the hope that Ambassador Vorontsov would raise the matter of Captain Speicher during his forthcoming visit to Baghdad, and would emphasize its importance as a humanitarian and legal issue. The Coordinator was informed that the United States authorities had dispatched a number of questions related to the investigation into the Captain Speicher case to the Iraqi Foreign Ministry.

24. On 8 January 2003, the Technical Subcommittee met at Amman. Kuwaiti, Saudi and Iraqi officials discussed the fate of the missing persons, while the Coordinator participated on the sidelines. The parties agreed to address the 12 Kuwaiti, 5 Iraqi and 3 Saudi cases during their next meeting.

25. The ICRC spokesman, Moin Qassis, stated to AFP that the five-hour talks were constructive and noted that the meeting was the start of a dialogue, and all three parties listened to each other in a constructive and good manner. The main purpose of the meeting was to settle humanitarian issues left unresolved after the Gulf war, in particular to ascertain the fate of those missing. ICRC welcomed the resumption of the dialogue and hoped that it would produce tangible results.

26. The Coordinator informed the press that the first meeting of the Technical Subcommittee had been constructive and useful, although it was an organizational meeting. He considered that making progress during the second meeting would be the best demonstration that the meetings could yield positive results.

27. In pursuance of his mandate, the Coordinator continued contacts with the leadership of LAS and the Organization of the Islamic Conference (OIC). On

12 January, the Coordinator met in Cairo with the Secretary-General of LAS, Amre Moussa, and briefed him on issues relevant to repatriation or return of all Kuwaiti and third-country nationals or their remains. Mr. Moussa expressed satisfaction that the parties had entered into dialogue on this very important humanitarian problem and hoped that positive results would be forthcoming. The LAS spokesman, Hisham Yusef, told the press that Ambassador Vorontsov had stressed that progress was necessary on the humanitarian issue of the repatriation or return of all Kuwaiti and third-country nationals or their remains.

28. On 12 January, the Coordinator held a meeting with the Minister for Foreign Affairs of Egypt, Ahmed Maher. It was felt that the possibility of a military action in the region could disrupt ongoing efforts regarding the question of the repatriation or return of all Kuwaiti and third-country nationals or their remains. The Foreign Minister promised to continue to press Iraq for an early resolution of the issue, and to call on the Iraqi delegation to be serious and constructive in the forthcoming meetings of the Technical Subcommittee.

29. On 14 January, the Coordinator met in Jeddah with the Secretary-General of OIC, Abdelouahed Belkeziz, who expressed his full support for the resumed activities of the Technical Subcommittee and the Coordinator and reiterated his appeal to the parties concerned to cooperate in a serious and constructive manner.

30. On 18 January, the Coordinator travelled to Baghdad where he met with the Director of the Organizations and Conferences Office, Saeed Al-Musawi; the Director of the Legal Office, Abdul Monim Al-Kadi; the Permanent Representative of Iraq to the United Nations, Mohammed Aldouri; and the head of the Iraqi delegation to the Technical Subcommittee, Ibrahim Al-Aqidi. The Coordinator expressed satisfaction with the resumption of Iraqi participation in the Tripartite Commission, which marked a good beginning. Mr. Al-Musawi stated that the parties had started a dialogue to bring an acceptable package to this humanitarian crisis. He further expressed hope that future cooperation would be based on principles of international law and consistent with United Nations resolutions.

31. The Coordinator stressed the importance of cooperation on the return of the mortal remains, which would be seen as progress by Kuwait. Mr. Al-Kadi stated that Iraq had released all Kuwaiti prisoners in accordance with the relevant Security Council resolutions and that Iraq did not have any others. He further alleged that Kuwait had failed to provide full and complete information regarding 250 files, making investigation into those claims difficult.

32. Nevertheless, Mr. Al-Musawi expressed the hope that the process would continue, but added that information on many of the cases was difficult to find. Mr. Al-Aqidi stated that there were no remaining documents regarding the missing Kuwaitis, and investigation must now be based almost entirely on eyewitness accounts, which would be difficult to obtain because of the significant passage of time and the unavailability of witnesses. He pointed out that, at the first Technical Subcommittee meeting between the two sides, it had been agreed that they would hold hearings by bringing witnesses who could provide testimony regarding the fate of the missing.

33. Regarding the missing Iraqis, Mr. Al-Aqidi said that they were both civilians and military personnel, but mostly the latter; the civilians were mostly those Iraqis who were residents of Kuwait at the time of war.

34. On the fate of Captain Speicher, the Coordinator recalled that the United States had sent to Iraq a list of questions, many of which were valid. Mr. Al-Aqidi said Iraq would try to answer the questions and submit them to ICRC.

35. Also on 18 January, when the Coordinator met with the Minister for Foreign Affairs of Iraq, the question of the missing persons was discussed in detail. The Foreign Minister said that Iraq would consider the questions posed by the United States, and that it would also consider the possibility of establishing a technical subcommittee to discuss Captain Speicher's file. The Coordinator was of the opinion that the first Technical Subcommittee meeting was a good beginning, and stressed the importance of maintaining the momentum for the forthcoming second meeting, which should be more substantive and address specific files. He emphasized that the spirit of cooperation should be demonstrated by the exchange of information. The Foreign Minister agreed that it was important to create a working environment conducive to cooperation, without which there would not be a solution to this issue.

36. The Foreign Minister promised that his country would make intensive efforts to look for the missing Kuwaitis, but explained that witnesses must be located to find out what had happened during the uprising in Basra. He also recalled that Iraq had 1,137 of its own missing, and claimed that many had been killed and buried in Kuwait, beyond the reported mass graves in the demilitarized zone. The Coordinator enquired about the response to the Iraqi request to visit the reported mass graves in the demilitarized zone, as UNIKOM was prepared to provide assistance and the Kuwaitis assured Iraq that it was more than welcome to visit the site. Mr. Al-Musawi explained that the presence of landmines made such a visit difficult.

37. After the talks, the Coordinator noted that a series of meetings had been scheduled between Iraq and Kuwait, and appealed to Iraq to intensify its efforts in searching for missing persons. He also emphasized that the parties should parlay the good start into achieving concrete results, especially with regard to the return of the mortal remains. He was prepared to address the matter of the Iraqi missing persons, but recalled that the question was not part of his official mandate.

38. On 19 January 2003, the Coordinator held a meeting with the families of the Iraqi missing, chaired by Manther Al-Mutlak, Chairman of the Committee on Iraqi Missing Persons in Kuwait and Saudi Arabia, who declared that the Coordinator's presence in the meeting was a historic event, as the question of Iraq's missing had for far too long been forgotten. He also said that he was prepared to meet with his Kuwaiti counterparts, either in Kuwait or Iraq. Mr. Al-Musawi expressed his sympathies to the families of the missing Kuwaitis, who were likewise bereaved. He also proposed establishing contacts between the two countries at the non-governmental organization level. In an interview with the media after the meeting, the Coordinator expressed his sympathies to the families of all those missing, and stressed that this was a humanitarian problem.

39. On 20 January, after his meetings in Baghdad, the Coordinator travelled by car from Baghdad to Kuwait, via the UNIKOM base in the demilitarized zone, for another round of meetings. He met with the Deputy Chairman of the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs, Mr. Al-Shaheen, and, separately, with the Minister of State for Foreign Affairs, Sheikh Mohammed Sabah Al-Salem Al-Sabah, whom he briefed on his discussions with the Iraqi officials. The Coordinator conveyed to Mr. Al-Shaheen the proposal

of Mr. Al-Mutlak for their respective committees to hold joint meetings to discuss the question of Kuwaiti and Iraqi missing persons.

40. On 21 January, the Coordinator met the First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, who said that he had no objection to allowing Iraqis to come to Kuwait to ascertain the fate of their missing.

41. After that meeting, the Coordinator expressed his hope that the forthcoming Technical Subcommittee meeting would yield positive results. He also stated that the Iraqis had said that it was very difficult to get information on the whereabouts of the missing persons since witnesses had disappeared.

42. On 21 January, the Coordinator met with the Speaker of Parliament, Jasen Al-Khorafi to brief him on his recent visit to Baghdad. The Speaker expressed hope that the initial contacts between Iraq and Kuwait would produce tangible results.

43. On 22 January, the Coordinator met in Amman with Mr. Al-Shaheen and Rabea Al-Adsani of the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs. Mr. Al-Shaheen gave the Coordinator a briefing on the second meeting of the Technical Subcommittee, informing him of Iraq's inadequate investigation into the 12 Kuwaiti files. He explained that the initial list of 12 files was selected by Iraq during the first meeting of the Subcommittee. Kuwait amended it by replacing six of the names on the list. Iraq later admitted to overlooking the subsequent changes to the list. Mr. Al-Shaheen said that, in contrast, Kuwait had provided conclusive evidence on the fate of two Iraqi missing, and full information on the third case. Mr. Al-Shaheen also informed the Coordinator that agreement was reached on the dates of future meetings of the Technical Subcommittee, namely, 16 and 17 February; 2 and 3 March; 16 and 17 March; and 13 and 14 April. All meetings, at the request of the Iraqi delegation, would be held at Amman, except for the meeting on 13 and 14 April, which would be held at Geneva to coincide with the next meeting of the Tripartite Commission.

44. On the same day, the Coordinator met with Mr. Al-Aqidi, the head of the Iraqi delegation, who informed the Coordinator that there was progress on all 12 Kuwaiti files, and that an official report would be submitted on 29 January. He said that the file on the pilot from Saudi Arabia was discussed, which, in his opinion, should be closed on the basis of documents presented by Iraq. Mr. Al-Aqidi also conveyed the decision of the Minister for Foreign Affairs to answer the questions contained in the United States letter regarding Captain Speicher.

45. On 23 January, the Coordinator met in London with the Chairman of the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs, Sheikh Salem Al-Sabah, and briefed him on his meetings with Iraqi officials in Baghdad. The Coordinator noted that the Foreign Minister of Iraq had invited him to visit Baghdad again, and expressed his willingness to undertake such a trip provided that it would be productive.

46. On 22 and 23 January, Iraqi and Kuwaiti delegates held the next meeting of the Technical Subcommittee in Amman. The Coordinator was present on the sidelines. At his meeting with the delegations, he stated that words should be turned into deeds. He also expected a long road before satisfactory conclusions could be reached. Kuwait and Saudi Arabia presented five cases while Iraq had six cases of missing persons. The Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs informed the Coordinator of the agreed schedule of

meetings and confirmed its readiness to hold talks with him on the sidelines of those meetings. The Iraqi delegation made a similar commitment.

47. As reported by AFP, the head of the Kuwaiti delegation, Ibrahim Majed Al-Shaheen, stated that the discussions were serious. At the end of the meeting he noted that it was the first time that the delegations had discussed details. He said, however, that Iraq had not yet provided any information regarding the fate of the missing persons and that it was too soon to evaluate the progress made. He hoped that concrete progress would be made in the next round, and said that Kuwait continued to await information on the missing persons by the time of the Tripartite Commission's meeting at Geneva in April.

48. The ICRC spokesman noted to AFP that, in accordance with the Technical Subcommittee's working procedures, which provided for confidentiality of the discussions, ICRC would abstain from making statements. He was hopeful that the ongoing process would bring about practical solutions.

49. On 28 January, I conferred with the Coordinator, who briefed me on his visits to Amman, Cairo, Jeddah, Baghdad and Kuwait City. I emphasized the necessity for the parties to cooperate in good faith and to provide all the available information on the repatriation or return of all Kuwaiti and third-country nationals or their remains. The Coordinator said that meetings of the Technical Subcommittee were proceeding in a good atmosphere, but that no substantive progress had been achieved so far.

50. On the same day, the Coordinator met with the Permanent Representative of Germany, Günter Pleuger, in his capacity as President of the Security Council for the month of February.

51. On 29 January, the Coordinator met with the Permanent Representative of Iraq, and urged him to facilitate the submission of the cases to the Technical Subcommittee at its next meeting. He also conveyed my views on the need for Iraq to fully cooperate with the parties concerned on the humanitarian issue. Ambassador Aldouri expressed the hope that the next meeting in Amman would yield more positive results.

52. On 30 January, the Coordinator held consultations with officials of the German Foreign Ministry in Berlin, including Ambassador Wolfgang Trautwein, Special Coordinator for Iraq issues, and Hans Joachim Daerr, Director-General of the United Nations Department.

53. The third meeting of the Technical Subcommittee was held on 16 February. The Coordinator participated on the sidelines and had separate meetings with the Iraqi and Kuwaiti delegations. He was informed that the only progress made during the meeting was on the Iraqi cases submitted by Kuwait. As a result, Iraq agreed to consider one case closed and sought additional information on two other cases. Unfortunately, on the Kuwaiti cases, the Iraqi delegation stated that the information on the six files would be presented only at subsequent meetings. The Coordinator considered the delays were counterproductive and appealed for information to be provided at the earliest date.

54. After the talks, the head of the Kuwaiti delegation, Mr. Al-Shaheen, in an interview with KUNA, urged Iraq to be sincere and frank on this humanitarian issue. The head of the Iraqi delegation, Abdul Monim Al-Kadi, responded to this appeal, reiterating hope that the talks would not become politicized, and stated that Iraq had

provided precise documents on the fate of one of the Kuwaiti missing, and promised to hand over six others. The Iraqi delegation proposed to set up a commission to find the remains of the thousands of Iraqis in the border region of Metlaa.

55. The fourth meeting of the Technical Subcommittee was held on 2 March, the Coordinator meeting with both the Iraqi and Kuwaiti delegations on the sidelines. Despite the promise to move forward on the five cases of missing Kuwaitis, the Iraqi delegation did not present any new information and again promised to submit it at subsequent meetings. The Coordinator stated that the constructive approach to the disarmament issues, as exemplified by the destruction of al-Samoud missiles, should be matched by the same attitude on the humanitarian issues.

56. The fifth meeting of the Technical Subcommittee was held on 16 March. The head of the Iraqi delegation stated that the meeting was positive. Kuwait expressed its disappointment in the results. The Coordinator did not attend that meeting.

57. On 26 March, during the open meeting of the Security Council, the Permanent Representative of Kuwait stated that Kuwait remained concerned about the fate of its prisoners and nationals of third countries who had been detained by Iraq since 1990. Ambassador Abulhasan called on the Security Council, ICRC and myself to demand that Iraq respect the principles of international humanitarian law and disclose the fate of Kuwait's prisoners as soon as possible (see S/PV. 4726).

58. On 3 April, the Permanent Representative of Kuwait addressed a letter to me in which he reiterated Kuwait's position on the issue of the repatriation or return of all Kuwaiti and third-country nationals or their remains. He appealed to all parties concerned not to politicize the issue, stressing that a humanitarian approach was required for its resolution. He also expressed his concern about the lack of progress on the question, owing to the Government of Iraq's failure to cooperate in full during the meetings of the Technical Subcommittee.

59. Ambassador Abulhasan also informed the Secretary-General in his letter that ICRC, under whose auspices the meetings of the Tripartite Commission and the Technical Subcommittee are held, had officially informed Kuwait in a letter dated 30 March of the postponement of the forty-second meeting of the Technical Subcommittee, originally scheduled for 30 and 31 March.

IV. Observations

60. Since my last report, there have been developments that provided some reason to hope that progress could be made on the issue of the repatriation or return of all Kuwaiti and third-country nationals or their remains. Among those developments was the resumption of the meetings of the Technical Subcommittee. Since the beginning of the year, five meetings have been held but, regrettably, no concrete results have been achieved.

61. The meetings of the Technical Subcommittee were interrupted owing to the outbreak of conflict on 20 March 2003. It is hoped that the question of the repatriation or return of all Kuwaiti and third-country nationals or their remains will be resumed as soon as military activities cease, and that the mandate given to the High-level Coordinator will be implemented in full.

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Security Council

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15 April 2003

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Letter dated 9 April 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 10 December 2002 (S/2002/1363) transmitting a report from Tonga submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully with the assistance of its experts and has written to the Permanent Representative of Tonga to the United Nations to set out its preliminary comments. Tonga has been requested to provide a response in the form of a supplementary report by 21 June 2003.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1244 (1999) of 10 June 1999, by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested the Secretary-General to report at regular intervals on the implementation of the mandate. It covers the activities of UNMIK and developments in Kosovo, Serbia and Montenegro, since 1 January 2003.

2. A significant step in the first three months of 2003 was the launching of the process of transferring further responsibilities to the Kosovo Provisional Institutions of Self-Government (the Provisional Institutions), consistent with paragraph 11 of resolution 1244 (1999). The responsibilities being transferred are those outlined in chapter 5 of the Constitutional Framework. My Special Representative will retain those responsibilities reserved for him under chapter 8 of the Constitutional Framework. A Transfer Council was established by UNMIK and the Provisional Institutions to oversee, coordinate and manage the transfer process. The Provisional Institutions will thus become increasingly responsible for the implementation of the benchmarks covering transferred responsibilities, including the development of a roadmap to achieve them. This will involve increased responsibility for the often complex and politically sensitive issues in those transferred areas. Other important developments during this period included the commencement of the Council of Europe decentralization mission and the installation of the first female member of Government. Also significant was the signing of a declaration by key Kosovo Albanian political leaders, reaffirming their commitment to the Coalition Agreement of last year and underlining the importance of reaching the standards set out in the benchmarks paper and advocating direct dialogue on practical issues with all neighbours.

II. Functioning democratic institutions

3. While the Provisional Institutions have become more familiar with their operational work and core responsibilities, inter- and intra-party struggles prevented significant progress on issues of substance. The fragmented Kosovo Albanian political landscape was having an impact on the work of the Kosovo Government

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and the Kosovo Assembly Presidency. It undermined their leadership role and threatened the stability of these institutions.

4. Kosovo still has some way to go in establishing representative and functioning institutions. During the first three months of 2003, the Kosovo Provisional Government took 36 policy decisions, of which 16 involved legislation. Only 10 policy decisions were prepared according to the rules of procedure in force. Ten draft laws were submitted to the Kosovo Assembly for review and the Assembly adopted four laws. No bills were initiated or drafted by the Assembly or one of its Committees. Five ad hoc inter-ministerial committees have been formed, namely, on war damages, missing persons, the review of personal income tax, levelling of public sector wages, and transfer.

5. Assembly plenary meetings continued to take place on a weekly basis, with 10 meetings held during the reporting period. Two meetings were not held; the first as a result of the arrests of persons indicted by the International Criminal Tribunal for the Former Yugoslavia and the second because of the inability to agree on the final agenda, which included a motion to recognize the "values" of the former Kosovo Liberation Army (KLA) and a discussion on direct talks with Belgrade. Coalition Return (KP) boycotted sessions between November 2002 and late January 2003. Since then, KP has participated, but walked out of one meeting when the Kosovo Assembly adopted two declarations; the first called for the release on bail of a Kosovo Albanian detained by the Tribunal and the second denounced the formation of a "Union of Serbian Municipalities and Settlements". KP also did not attend the 13 March Assembly meeting following the assassination of the Prime Minister of Serbia, Zoran Djindjic. The Democratic Party of Kosovo (PDK), on one occasion, and the Alliance for the Future of Kosovo (AAK), on two occasions, also boycotted Assembly meetings in protest over the Assembly Presidency's refusal to include the issue of "war values" on the agenda. The three major Kosovo Albanian parties and the non-Serb minorities signed a joint statement, which was presented at one meeting of the Assembly, stating that the declaration of independence would be dealt with at a later meeting. At its 3 April meeting, the Assembly adopted the position that the Provisional Institutions should implement a law on higher education, even though it had not been promulgated by my Special Representative. The draft law, as previously adopted by the Assembly, was challenged by Kosovo Serb deputies for not taking into account vital interests of minority communities. It had the effect of excluding the university in northern Mitrovica, attended by Kosovo Serbs, from the unified educational system for Kosovo (see S/2002/1126, para. 4). The Assembly also rejected compromise language recommended by the Special Panel, which had been seized of the matter in accordance with the Constitutional Framework. My Special Representative issued a determination stating that the position adopted by the Assembly of Kosovo on this matter is without legal effect.

6. The Senior Public Appointments Committee completed the recruitment of 80 per cent of senior civil servants in the Government, including the first female Permanent Secretary, through competitive examinations. There has been a general lack of transparency in the appointment of civil servants for Chief Executive Officers and Department Directors in the municipalities. At the central level, the recruitment process has generally been organized in compliance with the Civil Service Law and minority requirements were met in setting up selection panels. However, there is a perception by civil servants that their career depends on political allegiance more than on professional skills, leading them to apply for positions in

bodies where they believe that they would not be perceived as political opponents by the leadership. This has led to an alignment of civil servants according to party politics, in contravention of the principles of merit, political neutrality and impartiality.

7. Systemic failures, such as insufficient advertising of job vacancies and recruitment procedures, hindered the minorities' ability to compete for jobs, as did the lack of freedom of movement and discrimination in accessing information. A quarterly assessment, however, revealed progress in recruiting minority representatives at the central level. As compared to an average of less than 6 per cent at the beginning of 2003, minority representation in the central-level civil service averaged some 13 per cent by the end of March. No central body remained without minority employees. There are also more minority employees in management levels, reaching approximately 19 per cent overall. Employment of minorities in most of the public and socially owned enterprises remained unsatisfactory, with less than 1 per cent employed in the Kosovo Electricity Company, Post and Telecommunications Kosovo and other public enterprises.

8. On a positive note, institutional mechanisms in support of minority participation in the civil service at the central level have been further strengthened through legislation and administrative support. The Office of the Prime Minister has initiated an outreach programme for active recruitment of minority community members to the civil service, with the Prime Minister's active and personal support. Majority and minority community civil servants in the Office of the Prime Minister have visited minority areas together to give on-the-spot information on vacant positions and general work conditions in the Kosovo civil service. The outreach programme has resulted in a ninefold increase in minority applications in comparison to similar recruitment drives by the Office of the prime Minister in the past. Another governmental initiative, originating from the Office of the Prime Minister, established gender/equal opportunity focal points within ministries. The Government also issued an Administrative Directive that provides for a range of legal mechanisms that promote and protect the employment of minorities, such as appeal procedures and fair and transparent recruitment.

9. The functioning of inter-ethnic municipal administrations varied considerably. In Kamenica, Gnjilane, Novo Brdo (all in the Gnjilane region) and Kosovo Polje (Pristina region) the municipalities' joint administrations functioned at a reasonable level. Owing to several security incidents in Vitina municipality (Gnjilane region), Kosovo Serbs have not taken up municipal positions. The positions reserved for Kosovo Serbs in the municipal structures in Lipljan municipality (Pristina region) remained vacant, as no suitable candidate has applied. Two unions of Kosovo Serb-majority municipalities were formed, the first in northern Mitrovica and the second in eastern Kosovo. UNMIK has not recognized either union as a legitimate structure, as they are based on mono-ethnicity. The UNMIK administration in Mitrovica has made progress in establishing its administrative structure and in providing administration and public services in the northern part of Mitrovica city. Its staffing is almost complete with the recruitment and training of 82 new local staff members, bringing the total to 120. It has also started to issue UNMIK civil registration documents, such as birth, death and marriage certificates, to perform inspections, beginning with sanitary inspections, and to issue construction permits and, in collaboration with the Kosovo Ministry of Public Services, it established a facility to issue driving licences and vehicle registration documents.

10. Assessing minority employment at the municipal level presented many difficulties, given the absence of an accepted recent census and the continuing displacement of a large percentage of Kosovo's minority communities, among which are the vast majority of professionals. Responding to these challenges, a "representational range" of appropriate minority employment has been established for each municipality, based on the 1981 and 1991 censuses and on current population estimates. Based on these ranges, the Gnjilane region has the best record at this stage in achieving employment goals, with three municipalities having acceptable levels of minority representation. Unfortunately, minority employment at the municipal level remained low overall and continued to centre on municipal community offices rather than on other municipal structures.

11. Kosovo has made progress in supporting civic education and participation by promoting civil society structures and increasing education courses for students. A total of 2,292 non-governmental organizations have registered, 381 of which are international. Approximately 800 Kosovo Albanian and non-Serb primary schools offered civic education classes. In cooperation with the United Nations Children's Fund, the Kosovo Ministry of Education, Science and Technology has established a working group on curriculum development for civic education.

12. There are some 34 political parties currently registered within Kosovo, of which 22 have one or more elected representatives in a municipal assembly or in the Assembly of Kosovo. No political party has submitted or published its required financial statement and only one out of 22 financial disclosure reports submitted on electoral campaign expenditures was considered accurate by auditors.

13. Much remains to be done in the field of fostering responsible and professional media. Some of the local press continued to issue inflammatory and sensational reports and to present inaccurate or provocative information. Even though an increasing number of cases have been brought to the attention of the Temporary Media Commissioner, €51,500 in outstanding fines remained. The Commissioner engaged in mediation activities to ensure that retractions were issued and to enforce temporary print and broadcast codes of conduct in the absence of self-regulatory mechanisms.

III. Rule of law

14. Overall, the rate of criminal incidents for the first three months of 2003 remained generally consistent with the last reporting period, although there appeared to be an increase in organized crime. There were grenade and other attacks against UNMIK police stations in Pec, Pristina and Mitrovica; fortunately, no injuries occurred. Some of these attacks have been assessed as reactions to successful police investigation of organized crime. The first arrests of former KLA members by the International Criminal Tribunal for the Former Yugoslavia occurred without major incident. Kosovo's political leadership pledged full cooperation with the Tribunal, but some elements of the Kosovo Albanian public did not support those arrests. There were 24 peaceful public demonstrations associated with the arrests made by the Tribunal and with sensitive trials, arrests and judicial investigations, primarily of former KLA members charged inter alia with war crimes, terrorism and organized crime.

15. Ethnic violence and crime seemed to be on the increase again after a decline in December 2002, with a total of 63 ethnically motivated crimes identified during the reporting period. These incidents primarily involved explosions, harassment and threats, shooting, stone throwing and assaults, but no murders.

16. To enhance the efficiency, impartiality and overall functioning of the judicial system, additional judicial personnel were recruited during the past three months, including members of minority communities. At present, there are a total of 314 local judges and 44 prosecutors working in the Kosovo judicial system and a total of 57 courts, including one commercial court in Pristina. In the local judiciary, women represent 24.8 per cent of all judges and 15 per cent of all prosecutors, and minorities represent 10 per cent of all judges and 9 per cent of all prosecutors. Currently, Kosovo Serbs comprise almost 5 per cent of all judges and 2 per cent of all prosecutors. There are 18.9 judges and prosecutors per 100,000 inhabitants, and 2.85 courts per 100,000 inhabitants, which is close to European standards. Despite the high proportion of judges, prosecutors and courts to population, there remained a significant backlog of cases currently pending in local courts — 13,737 civil, 495 administrative and 11,757 criminal cases, indicating a clear need to improve the efficiency of the justice system. There are also 17 international judges and 10 international prosecutors placed at the District and Supreme Courts of Kosovo and the Office of the Public Prosecutors. They handle approximately 3 per cent of criminal cases considered as sensitive.

17. During the past three months, the local judiciary dealt with 100 per cent of civil and 97 per cent of criminal cases. Seventy-eight per cent of criminal proceedings resulted in convictions. While there was no indication of any cases of suspects not brought before a judge within the legal time limit of 72 hours, the percentage of detainees whose pre-trial detention exceeded six months remained high. As at 2 March, out of a total of 584 pre-trial detainees, 154 had been in custody for more than six months.

18. As evidenced by public protests against the arrest of former members of KLA, the Kosovo public does not perceive the justice system to be independent or impartial. Kosovo Serb representatives of five municipalities, Kosovo Polje, Lipljan, Obilic (Pristina region), Novo Brdo (Gnjilane region), and Zvecan (Mitrovica region), complained of a prima facie lack of access to judicial institutions for the Kosovo Serb population. Problems identified included a lack of delivery of court documents, a lack of secure transportation to courts in Pristina, unequal treatment during court hearings and a lack of legal assistance. Access to a complete and accurate copy of the applicable law in each court in English, Albanian, Serbian and Turkish also remained a problem. Some courts have received all the volumes of the *Official Gazette*, in English, Albanian and Serbian, but others have not received all volumes and experienced delays in receiving the applicable laws/regulations.

19. UNMIK continued to dismantle the parallel courts supported by Belgrade and worked to establish a unified justice system under UNMIK. Seven Kosovo Serb judges were appointed in the northern part of Kosovo and the Minor Offences and Municipal Courts in both Leposavic and Zubin Potok were officially opened under UNMIK administration on 13 January.

20. During the first three months of this year, progress continued in developing a well-functioning, sustainable and representative local police service. As at 31 March, there were a total of 5,247 Kosovo Police Service (KPS) Officers and 4,389

UNMIK police, with a ratio of approximately one KPS officer per 450 civilians. The ethnic composition of the Kosovo Police Service has remained largely the same, with the exception of Kosovo Serb representation, which increased from 8.42 to 9.24 per cent. Currently, minorities represent 14 per cent of those who serve in the correctional service, with Kosovo Serbs at 13 per cent of this figure, while women comprise 26 per cent of total corrections staff. The first quarter of 2003 indicated a police criminal case clearance rate of 49 per cent for crimes against persons, and 21 per cent for crimes against property, which was higher than in many European countries. Three police stations were transferred to KPS command, in Gracanica (Pristina region), Kacanik (Prizren region) and Strpce (Gnjilane region). Some progress was made in the integration of Kosovo Serb officers within KPS, including in the northern part of Mitrovica. In the reporting period, there have been 38 cases, mainly for administrative violations, involving the investigation of 46 KPS officers. These cases resulted in the termination of employment for six officers and suspension without pay for five officers.

21. UNMIK police amended and improved joint mechanisms of intelligence collection and analysis and the subsequent input into special investigations through a Target Coordination Mechanism bringing together key representatives of the Central Intelligence Unit, the Kosovo Organized Crime Bureau, the Financial Investigation Unit, the UNMIK Department of Justice, UNMIK Customs and the Kosovo Force (KFOR). Further, UNMIK police has established a Special Task Force for Terrorism/Extremism, in close cooperation with the UNMIK Department of Justice and KFOR. UNMIK has had some success in combating organized crime, specifically in the areas of fraud, corruption and smuggling.

22. The UNMIK Police Witness Protection Programme, which provides witnesses at risk with a safe place to stay within Kosovo, currently provides three families with 24-hour protection. All of the witnesses are giving testimony in war crimes and high-profile cases, and are awaiting case completion and permanent relocation. It is anticipated that the need for witness protection will increase when the Kosovo Organized Crime Bureau and the Trafficking and Prostitution Investigation Unit are fully operational. UNMIK continues to seek out Member States that are willing to accept witnesses into national witness protection programmes.

23. There were developments in six cases involving Kosovo Albanians accused of ethnic extremism, organized crime or war crimes. District Court panels convicted two high-ranking former KLA members of committing serious crimes against other Kosovo Albanians. One former KLA commander was arrested for illegal possession of a large amount of weapons, and he is also suspected of involvement in terrorism. A war crimes trial began in the case of a former KLA zone commander, who is also reputedly a major organized crime figure. A terrorism trial commenced in the case of two Kosovo Albanians accused of leading an ethnic Albanian extremist group that advocates the armed insurrection in the Albanian-majority area of the former Yugoslav Republic of Macedonia. This trial is the first that is proceeding under UNMIK Regulation No. 2001/12 on the Prohibition of Terrorism and Related Offenses. A second trial, involving Kosovo Albanian leaders of another ethnic Albanian extremist group, will begin in April 2003. Additionally, a District Court panel convicted a Kosovo Serb, a former head of Orahovac municipality, of war crimes. There are ongoing judicial investigations into cases related to organized crime, including two cases of trafficking and two associated with narcotics.

IV. Freedom of movement

24. Several communities remained unable to exercise unescorted freedom of movement. The level of freedom of movement differed significantly from one region to another, and from one ethnic group to another. Freedom of movement for members of minority communities, particularly the Kosovo Serb community, remained extremely restricted in much of the Pec region, and substantial limitations also continued in the Pristina and Mitrovica regions. In contrast, there was a limited, although still not fully acceptable, level of freedom of movement throughout the Gnjilane region, and freedom of movement in the Prizren region continued to improve.

25. Police and military escorts for minority communities have been significantly reduced without deterioration in security conditions. The security escort allocated to the humanitarian bus service for minority communities has been reduced by approximately 85 per cent from its 2002 peak level. KFOR statistics indicated an overall reduction of approximately 11 per cent in security escorts. As a result, some municipalities have witnessed a commensurate decrease in the movement of minorities. Approximately 12 to 15 per cent of the 480 minority civil servants travelled to work using the civil service bus transport network. Many others were transported in safe vehicles provided by their employers.

26. The reduction of military and police escorts, combined with the dismantling of fixed check points, has somewhat eased the isolation of minority communities in Kosovo. While static checkpoints have largely been dismantled, KFOR continued to maintain a limited presence in minority communities to provide general area security. Nonetheless, minority residents routinely continued to face violence, harassment and discrimination. The persistence of ethnically motivated security incidents remained a barrier to the free movement of minority community members and prevented substantial improvement in the level of confidence.

27. The legal framework and current practice grants all habitual residents access to new Kosovo number plates (license plates). Eligible minority applicants have the option to switch to Kosovo plates from those issued by the Federal Republic of Yugoslavia. Although UNMIK now provides Kosovo Serbs with free number plates, minority communities, especially Kosovo Serbs, generally still chose the Yugoslav plates that allow them to travel freely in Serbia proper and neighbouring countries without additional insurance charges. Temporary driving certificates and UNMIK driver's licences are being made available to all habitual residents of Kosovo. The Kosovo Ministry of Public Services has a programme to exchange Yugoslav driver's licences, issued prior to 1999, for an UNMIK-issued licence. To date, 134,000 UNMIK-issued driver's licences have been handed out to former holders of Yugoslav licences.

28. The "Freedom of Movement" train, launched on 12 December 2002, continued to operate, and connects to Serbian Railways. The number of passengers on the train ranged between 15,000 and 18,000 per week. All ethnic groups used the service. Approximately 100 to 200 persons used the train connection to and from Serbia proper on a daily basis with a higher number on weekends.

29. Minority communities in Kosovo are still not able to freely use their own language and alphabet throughout Kosovo, including in courts, agencies and other public bodies. This provision has been fully respected only in the Assembly of

Kosovo, whereas other central bodies and municipalities often continued to disregard this legal right. Documents issued by the courts have been translated into other languages only upon a request by an individual, rather than as a matter of routine. At the municipal level, working materials, municipal decisions, by-laws and regulations have frequently been translated only with delays or not at all. The reluctance of civil servants to speak in Serbian continued at both the central and municipal levels. Signs in public buildings, road signs and names of municipalities were generally posted only in Albanian. The personal names of non-Albanians have been "Albanized" in official documents, such as civil status papers (e.g. identity cards), contracts, bills and statements issued by either public institutions or public utility companies. Wherever these violations have been brought to the attention of UNMIK, they have generally been rectified. In the case of UNMIK identity cards, thousands have had to be reissued to minorities with the correct spelling of personal names.

V. Sustainable returns and minority rights

30. The Office of the United Nations High Commissioner for Refugees (UNHCR) estimated that 182 minority returns took place in January and February 2003, comprising 56 Kosovo Serbs, 49 Ashkalia/Egyptians, 47 Bosniacs, 29 Roma and one Gorani. While full statistics for March are not yet available, 41 Kosovo Serbs returned to a village in the Prizren region, and 24 Kosovo Serbs joined an existing returns project in the Pec region, indicating an increased pace of returns. Improved structures to support the returns process, enhanced engagement by local authorities and internally displaced persons, and continuing support from the donor community are resulting in an increased number of sustainable returns projects, with some thirteen projects already developed for returns in 2003.

31. Given the continued violence, harassment and discrimination faced by minorities, achieving sustainable minority returns to Kosovo is difficult, time-consuming and resource-intensive. There has been a notable increase in the engagement of the Provisional Institutions in the returns process. However, at the central and municipal levels, efforts regarding minority communities and returns were under-resourced and not effectively integrated into the overall work of the Provisional Institutions. The Kosovo Prime Minister and his office have worked to remedy this situation, although with limited results.

32. On 17 February, my Special Representative launched the *Manual for Sustainable Returns*, together with the Kosovo Prime Minister and the Inter-ministerial Coordinator for Returns, in the Task Force on Returns. On 25 February, the Prime Minister made public his commitment to returns when he visited the village of Sredska (Prizren region), where Kosovo Serbs returned in 2002 and where more families are expected. In addition, constructive involvement by municipal authorities in the returns process has grown in recent months, although in two thirds of Kosovo's municipalities the situation remained unsatisfactory. A majority of Municipal Presidents or Vice-Presidents participated in the Municipal Working Groups on returns, although the quality of participation varied. The last three months also witnessed increased participation of municipal officials in go-and-see visits and go-and-inform visits.

33. A review of "fair-share financing" from municipal budgets for 2002 reflected a less than satisfactory outcome, with only 5 out of 24 mixed municipalities having reached 75 per cent of required budgetary support for minorities on all four budget lines (goods and services, health, education, and municipal source revenues) as assessed by UNMIK. The fact that four out of the five best-performing municipalities were in Kosovo Serb majority municipalities is noteworthy. The most successful region was Mitrovica, followed by Prizren, Pristina, Gnjilane and Pec. Compliance should be enhanced through implementation of the budget regulation for 2003 (UNMIK Regulation 2002/23 of 31 December 2002), which specified the legally required target percentages to be achieved, mandated quarterly reporting and provided for the enforcement of punitive actions in the event of non-compliance.

34. There continued to be a difference in the provision of electricity between majority and minority communities, although these variations apparently resulted primarily from the Kosovo Electricity Company's failure to maintain installations in minority areas, non-payment of bills in minority areas, efforts to prevent Company access and failure to deliver bills to minority populations living in enclaves.

35. Progress has been made on inter-ethnic dialogue at the municipal level. In addition to interaction occurring in the Municipal Working Groups on returns, activities have been undertaken on a routine basis at different levels, with the support of UNMIK, KFOR, UNHCR and numerous non-governmental organizations. In the Gnjilane region, four inter-ethnic meetings were held to plan returns to four villages, with the President of the municipality attending three of the meetings. Similar progress was noted in the Mitrovica region, where, in Leposavic, the Municipal Assembly President visited a Kosovo Albanian village. In Vucitrn, the Municipal Assembly President visited two Kosovo Serb villages and, in Srbica, the Municipal Assembly President visited a Kosovo Serb village. In Pristina region, the Municipal Assembly Presidents of Stimlje and Lipljan undertook similar visits. In terms of integration, 40 schools in Kosovo are considered "mixed", two of which are mixed Kosovo Albanian and Kosovo Serb.

VI. Economy

36. There has been a decline in economic activities, which is expected to continue, partly attributable to the downsizing of the presence of the international community. The Kosovo Department of Labour and Employment registered some 260,848 unemployed persons in Kosovo as of January 2003. Of this total, 19,941 (about 7 per cent) were from minority communities.

37. Kosovo continued to make progress in developing an economic legislative framework. The Kosovo Assembly passed a Law on Bankruptcy on 13 March. In drafting new legislative acts and revising existing ones, particular attention has been given to compatibility with European Union standards. A major instrument in this regard is the Stabilization and Association Process Tracking Mechanism with the European Commission, which held its first session in Pristina on 13 March. This is a technical working group to support Kosovo in its European Union-compatible structural reforms through policy advice and guidance. The Economic and Fiscal Council met twice over the past three months and discussed inter alia budget development and implementation issues related to fiscal year 2002 and the years 2004-2006, an urgent request for funding for the electricity sector, the establishment

of a civil aviation regulatory organization, implementation of the Free Trade Agreement with the former Yugoslav Republic of Macedonia, and the draft public financial management and accountability law. Economic exchange within the region has expanded further and cooperation has been enhanced through participation in regional coordination mechanisms.

38. On 15 February, the Board of the Kosovo Trust Agency (KTA) adopted its operational policies and procedures. The KTA Board also approved the first six socially owned enterprises for privatization, which will go to tender after promulgation of a land-use regulation. The establishment of the KTA Special Chamber is in an advanced stage of preparation. Preparatory work has been completed for a majority of the 480 socially owned enterprises that fall within the purview of KTA in preparation for their privatization or liquidation. Extensive documentation on these enterprises has been prepared and a library of casebooks established, containing legal, cadastral, employment and financial documentation for each specific enterprise.

39. On 31 March, KTA completed external audits and operational reviews, including appropriate models of corporate governance, of the Kosovo Electricity Company, Post and Telecommunications Kosovo, UNMIK Railways, Pristina Airport and other publicly owned enterprises in the water, waste and irrigation sectors. Also by that date, KTA and the Ministry of Finance and Economy compiled lists of all enterprises to be audited on the basis of their 2002 financial reports. External audits and additional examinations by the Banking and Payments Authority of Kosovo are already being carried out annually for all banks in Kosovo.

40. Kosovo made progress during the first quarter in the development of a tax revenue collection system. On 18 February, the administrative and operational responsibilities for the Tax Administration were formally transferred to the Kosovo Ministry of Finance and Economy. The Tax Administration, which is responsible for the implementation and collection of income tax, profit tax, presumptive tax, and internal value added tax collection, has bolstered its capacity and consequently increased the level of voluntary compliance with tax laws.

41. The number of personnel in the UNMIK Customs Service increased from 346 to 414 during the first quarter of 2003. Of the 68 successful candidates, 19 per cent were minorities. An international Director General, three international Directors and four Kosovo Albanian Deputy Directors currently manage the customs service. In line with planned targets, the UNMIK Customs Service has collected €57 million in revenue during the period from 1 January to 9 March 2003, capturing much of what was due from goods coming into Kosovo. At the same time, it has become increasingly clear that many certificates of origin have been falsified to take advantage of the Free Trade Agreement with the former Yugoslav Republic of Macedonia.

42. The Public Procurement Regulatory Body recently initiated audits of some of the procurement activities of the Kosovo Ministries and agencies that received funds from the Kosovo consolidated budget. The Central Procurement Entity in the Kosovo Ministry of Public Services manages bulk procurement and the provision of services for the Provisional Institutions. All tenders through the Central Procurement Entity were advertised in three languages (English, Albanian and Serbian). Of the 72 tenders approved during the reporting period, 40 per cent were for goods, 40 per cent for works and 20 per cent for services. Upon completion of

each tendering process (61 were conducted under an open process and the remaining 11 under single source provision), 59 tenders were awarded to local companies and 13 to international firms.

VII. Property rights

43. Since the beginning of 2003, the Housing and Property Directorate has been in a position to allocate resources for effective processing of claims in all regions. Of the more than 24,000 claims submitted to the Directorate so far, 12.7 per cent have been resolved, resulting in 574 evictions. For 48 per cent of cases where property claims have been registered, the Directorate has now notified the purported illegal occupant. This is marked progress compared to September 2002, when approximately 20 per cent had been notified and just over 2 per cent resolved. The Housing and Property Directorate currently has 2,325 properties under its administration. Approximately two thirds (16,600) of all claims submitted were from claimants outside of Kosovo from Serbia proper and Montenegro. Recently, the authorities of the former Yugoslav Republic of Macedonia agreed to the Directorate receiving claims in Skopje. Just over 3 per cent of the Housing and Property Claims Commission decisions have been subject to requests for reconsideration. To date, only one reconsideration request has resulted in overturning the initial decision. Accurate document verification systems are now in place to expedite the claims process.

VIII. Dialogue with Belgrade

44. The assassination of the Prime Minister of the Republic of Serbia and provocative statements by Belgrade officials on the future status of Kosovo have had a negative impact on the political situation in Kosovo. Statements by Kosovo Albanian leaders on Kosovo's final status have been similarly provocative. Nonetheless, my Special Representative initiated a process to start a dialogue on practical matters between the Belgrade authorities and the Provisional Institutions. On 28 February, the leaders of two Kosovo Albanian coalition parties and of the Provisional Institutions signed a declaration encouraging the Provisional Institutions to join UNMIK in direct dialogue on practical issues. On 2 March, my Special Representative initiated the process by inviting a ministerial delegation from Belgrade for talks on a proposed agenda. However, after initial support, leading Kosovo Albanian politicians backed away from the initiative, citing, among other factors, a number of preconditions for dialogue, including the need for further progress in the transfer process and the approval of a Joint Platform by the Kosovo Assembly. Similarly, although the Belgrade authorities initially endorsed the idea of direct talks, they requested the inclusion of additional agenda items to the ones proposed by UNMIK and then expressed unwillingness to participate, owing to disagreement with the transfer of additional responsibilities to the Provisional Institutions. The process of initiating direct dialogue was postponed following the assassination of Prime Minister Djindjic.

45. Practical modes of cooperation with the Government in Belgrade continued to develop during the past three months, although direct contact remained restricted and largely undertaken by UNMIK. Nevertheless, the Kosovo Ministry of Labour

and Social Welfare established productive relations with the Serbian Ministry of Social Affairs in exchanging information and coordinating cases of repatriation. Contacts with the Serbian Ministry of Health have been particularly difficult to establish, since the Ministry insists that health facilities in Kosovo Serb areas remain part of the health-care network of Serbia proper. However, cooperation between the respective Ministries of the Environment appeared to be growing, following initial contact and collaboration in handling the issue of phenol pollution in the Ibar River.

46. The existence of Belgrade-supported parallel structures, in violation of resolution 1244 (1999), which now exist in virtually all municipalities that have a sizeable Kosovo Serb population, continued to hamper the functioning of the legitimate institutions. In the Kamenica municipality (Gnjilane region), the Republic of Serbia Post, Telecommunication and Telegraph Provider employs 12 workers, the Republic of Serbia Power Supply Company employs four workers, the Serbian employment office employs three workers and there are six Serbian civil registration officers. On 19 March, a Public Health Institute was opened by Belgrade officials in the northern part of Mitrovica, in breach of Belgrade's obligation not to support parallel administrative structures. However, parallel structures were removed from the Strpce municipal building, with the support of the Kosovo Serb President of the Municipal Assembly. This operation faced no major problems from the population.

IX. Kosovo Protection Corps

47. The Kosovo Protection Corps (KPC) continued to make progress in restructuring its organization and undertaking skill development and training for its members. The strength of the Corps currently stands at 3,052 active members and 502 reservists. While much work has gone into defining structures, tasks and roles for KPC, substantial work remains to be done. Little progress has been made in addressing property and infrastructure issues. The Kosovo Protection Corps still occupies some 59 sites, against a five-year plan to reduce this to 27 sites, with a reduction to 43 sites by the end of 2003.

48. The more fundamentally challenging task of transforming the Kosovo Protection Corps into a multi-ethnic body focused solely on its mandate as a civilian emergency agency has lagged. The ethnic Kosovo Albanian basis of the Corps, which celebrates "KLA war values", combined with public declarations by KPC and Kosovo Albanian leaders that the Corps is well on its way to becoming the army of an "independent Kosovo" made it almost impossible to attract Kosovo Serbs to the organization. In addition, the aspirations of the organization to serve as an army clearly contravene the principles of resolution 1244 (1999) and the provisions set out in chapter Seven of the Constitutional Framework, as well as applicable law. The commitment of KPC to its civil protection mandate has fluctuated, although in recent weeks the organization appeared to be more focused on its mandated tasks. The verbal commitment to acknowledge UNMIK authority is positive, but some actions belie this. Comments by KPC officials on recent criminal cases and on the Tribunal arrests have shown a lack of understanding for the rule of law, although, in one recent case, the head of KPC took disciplinary measures against an outspoken KPC member. While the standard of individually trained KPC members is high in all mandated tasks and there are adequate internal structures, command and control is, at best, weak. Training has been received in such skill areas as demining, basic first

aid, map reading, communications, mountain search and rescue and public information. A Civil Protection Development Group was formed to improve coordination of all the constituent parts of the emergency response organizations in Kosovo and to develop tasks for KPC within its mandate.

49. A local non-governmental organization, Friends of KPC, has collected approximately €750,000 each year since 1999 through donations from both local sources and from the diaspora. The bulk of these funds has been expended on additional contributions to KPC members and on infrastructure, while a much smaller amount has been given to war widows, families and those seriously injured during the conflict. As from 1 January 2003, all resource mobilization activities for KPC were given to this non-governmental organization with a plan to disburse annual funds proportionately to KPC (50 per cent), and war widows and the injured (25 per cent to each).

50. Within the KPC administration, the issue of personnel management needed considerable attention. Too many cases of non-compliance continued to be reported, 20 major cases involving a total of 38 KPC members being reported during the quarter. Of these cases, 20 per cent were reported by the KPC members themselves. Of the total KPC active strength, approximately 2 per cent have disciplinary problems. Progress has been made in terms of clarifying rules for recruitment and promotion.

51. There are 134 minority members of KPC, three of which are Kosovo Serbs. The recruitment of ethnic minorities will be a slow process and will require commitment from the entire KPC. Recently KPC launched an initiative to recruit Kosovo Serbs and a further 10 Kosovo Serbs should join the organization in the next weeks. The fact that KPC mountain search and rescue training was carried out in the Kosovo Serb majority area of Brezovica in Strpce municipality (Prizren region) was an important step forward in building relations between KPC and the Kosovo Serb community.

X. Support matters

52. The UNMIK Division of Administration continued to provide the necessary logistic support. Three police stations were handed over to the Kosovo Police Service and nine others are expected to be transferred by the end of 2003. With effect from 1 January 2003, the Kosovo consolidated budget has assumed responsibility for routine support costs in all police facilities, with the exception of the main and regional headquarters, which will, for the foreseeable future, continue to be supported by UNMIK.

XI. Observations

53. The continuing and accelerating transfer to the Provisional Institutions of the responsibilities outlined in chapter 5 of the Constitutional Framework is welcome. This is an important step in the process of establishing provisional democratic self-governing institutions, as foreseen in resolution 1244 (1999). The transfer process will be conducted in a phased manner, so that it is sustainable and in compliance with applicable law. It will take into account the capacity of these institutions to

assume additional responsibilities. At the same time, the transfer must proceed, so that the Provisional Institutions become accountable to the people of Kosovo for the delivery of those services and administration for which they are responsible. This will lead to a greater need for the Provisional Institutions to make concrete progress in operationalizing and achieving the benchmarks laid out by my Special Representative. The transfer process will not affect the authority of UNMIK and KFOR under resolution 1244 (1999) or the powers and responsibilities reserved to my Special Representative in accordance with chapter 8 of the Constitutional Framework.

54. The tendency of local Kosovo Albanian leaders and the Provisional Institutions to focus on symbols and image and to publicly promote positions contrary to resolution 1244 (1999) is a cause for concern, as well as the action taken by the Kosovo Assembly on higher education and its refusal to take into account vital interests of minority communities. This amounts to a direct challenge to resolution 1244 (1999) and the Constitutional Framework, as well as to UNMIK's authority under those documents.

55. All local leaders should adhere strictly to resolution 1244 (1999) and the Constitutional Framework. They should also keep their political differences separate from the activities of the Provisional Institutions, and work together to consolidate these institutions by focusing on substance and practical results, instead of holding institutional development hostage to political or ethnic differences. The Provisional Institutions and municipalities need to focus on their areas of responsibility and on what matters directly to all the people of Kosovo, including those waiting to return. The "standards before status" policy provides a framework for this focus, and the local leaders are called upon to support and join in the efforts to make measurable progress towards achieving them. These institutions can and will increase their capacity to deliver services to the people with the concerted effort of all concerned. A lack of participation in the institutions themselves, as well as disengagement from the political process, serves only to hamper progress in concrete issues of governance and does nothing to improve the image of Kosovo in the eyes of the international community.

56. This, of course, includes the meaningful participation of all communities of Kosovo in the provisional institutions and municipal bodies. Forming separate, mono-ethnic administrative institutions will not lead to the multi-ethnic Kosovo towards which we all strive. Working within the established structures requires willingness on the part of the minority communities and receptivity on the part of the majority community. Leaders of these communities are called on to work together to this end, and to foster an environment within Kosovo and its provisional institutions that encourages such participation. I also call on the authorities in Belgrade to work with UNMIK to dismantle the existing parallel administrative bodies still functioning in Kosovo.

57. With the returns season fast approaching, UNMIK is working hard to ensure that the Kosovo environment is conducive to minority returns. Progress has been made on the ground by preparing projects and sensitizing communities to ensure that returns take place in as safe, secure and sustainable an environment as possible. The progress made by the Provisional Institutions and some municipalities in providing support to the return of minority communities, which must continue and be further strengthened, is encouraging. Everyone's support and dedication is

needed to create a welcoming and sustainable environment. However, acts of intimidation, threats and violence directed against minorities still occur and are intended to discourage minority participation in public life. Such acts have a negative impact on Kosovo's institutional development, which will be judged, inter alia, by how the majority treats the minority. The leaders and people in Kosovo should put an end to such acts, and work actively on inter-ethnic dialogue and reconciliation. Such acts, deplorable as they are, should not be used to obstruct the functioning of the democratic institutions that are being developed. Positive change can only be brought about by genuine dialogue and participation.

58. Dialogue is also needed between Belgrade and Pristina. My Special Representative's initiative to start this dialogue on practical matters of mutual concern is commended. This initiative will be pursued after a consolidation phase necessitated by developments in Belgrade and the need for the Provisional Institutions to prepare for such dialogue. Those concerned should work constructively together in order to begin this process in a spirit of compromise and within the framework of resolution 1244 (1999). Leaders on both sides, and particularly in Belgrade, should refrain from making public statements, which may undermine the proposed dialogue or contradict the provisions of resolution 1244 (1999). Such statements create unnecessary tensions and do not serve the best interests of the communities concerned.

59. It is encouraging that respect for the rule of law appears to be improving, as evidenced by the support given by local leaders to the efforts of the International Criminal Tribunal for the Former Yugoslavia. No one is above the law, and it is the responsibility of the leaders and the population to support the consolidation of the rule-of-law structure, and to turn away from crime and violence.

60. Finally, I would like to express my appreciation to my Special Representative, Michael Steiner, and to the men and women of UNMIK for the exemplary and professional manner in which they have carried out their duties. I would also like to express my gratitude to our partners within UNMIK, the European Union and the Organization for Security and Cooperation in Europe, as well as KFOR, and the organizations, agencies, contributors and donors for their substantial political and material support in implementing Security Council resolution 1244 (1999).

Annex I

A. Composition and strength of the UNMIK police as at 31 March 2003

Country	*Number*	*Country*	*Number*
Argentina	147	Malawi	21
Austria	44	Mauritius	5
Bangladesh	84	Nepal	38
Belgium	1	Nigeria	86
Bulgaria	99	Norway	27
Canada	22	Pakistan	182
Czech Republic	9	Philippines	62
Denmark	29	Poland	124
Egypt	66	Portugal	19
Fiji	34	Romania	183
Finland	26	Russian Federation	118
France	87	Senegal	16
Germany	363	Slovenia	15
Ghana	84	Spain	128
Greece	18	Switzerland	9
Hungary	5	Sweden	42
Iceland	1	Tunisia	6
India	499	Turkey	163
Italy	58	United Kingdom of Great Britain and	
Jordan	426	Northern Ireland	130
Kenya	44	Ukraine	193
Kyrgyzstan	4	United States of America	522
Lithuania	9	Zambia	31
Malaysia	46	Zimbabwe	64
		Total	**4 389**

B. Composition of the Kosovo Police Service as at 31 March 2003

Category	*Percentage*	*Number*
Kosovo Albanians	84.09	4 407
Kosovo Serbs	9.24	473
Other ethnic minority members	6.67	367
Total		**5 247**
Men	84.6	4 460
Women	15.4	787

Annex II

Composition and strength of the Military Liaison Component of the United Nations Interim Administration Mission in Kosovo (as at 31 March 2003)

Nationality	*Number of liaison officers*
Argentina	1
Bangladesh	1
Belgium	1
Bolivia	1
Bulgaria	1
Chile	1
Czech Republic	1
Denmark	1
Finland	2
Hungary	1
Ireland	3
Italy	1
Jordan	1
Kenya	1
Malawi	1
Malaysia	1
Nepal	2
New Zealand	1
Norway	2
Pakistan	1
Poland	1
Romania	1
Russian Federation	2
Spain	2
Switzerland	1
Ukraine	2
United Kingdom of Great Britain and Northern Ireland	1
United States of America	2
Zambia	1
Total	**38**

UNMIK
District Centres
SERBIA AND MONTENEGRO
Serbia
Montenegro
NORTH
WEST
PRISTINA
Pristina
EAST
SOUTH
Province of Kosovo
ALBANIA
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA
Skopje
UNMIK District Centre
UNMIK perimeter of operations
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.